

**11/7/77 [1]**

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THE PRESIDENT'S SCHEDULE

Monday - November 7, 1977

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7:45 Dr. Zbigniew Brzezinski - The Oval Office.

8:15 Mr. Frank Moore - The Oval Office.

8:30 Senior Staff Meeting - The Roosevelt Room.

9:00 Meeting of the Cabinet. (Mr. Jack Watson).  
(2 hrs.) The Cabinet Room.

11:00 Mr. Jody Powell - The Oval Office.

11:45 Meeting with Strategy Council (on Drug Abuse).  
(15 min.) (Dr. Peter Bourne) - The Cabinet Room.

12:00 Lunch with Vice President Walter F. Mondale.  
The Oval Office.

2:00 Mr. James McIntyre - The Oval Office.  
(20 min.)

2:30 Secretary Michael Blumenthal. (Mr. Jack Watson).  
(20 min.) The Oval Office.

3:45 Panama Canal Briefing. (Mr. Hamilton Jordan).  
(15 min.) The State Dining Room.

THE WHITE HOUSE  
WASHINGTON

November 7, 1977

Bob Strauss

The attached was returned in  
the President's outbox. It is  
forwarded to you for appropriate  
handling.

Rick Hutcheson

cc: Jim McIntyre  
Zbig Brzezinski

RE: TRADE AGREEMENT WITH MEXICO

THE WHITE HOUSE  
WASHINGTON

<input type="checkbox"/>	FOR STAFFING
<input type="checkbox"/>	FOR INFORMATION
<input checked="" type="checkbox"/>	FROM PRESIDENT'S OUTBOX
<input type="checkbox"/>	LOG IN/TO PRESIDENT TODAY
<input type="checkbox"/>	IMMEDIATE TURNAROUND

ACTION	FYI	
<input type="checkbox"/>	<input type="checkbox"/>	MONDALE
<input type="checkbox"/>	<input type="checkbox"/>	COSTANZA
<input type="checkbox"/>	<input type="checkbox"/>	EIZENSTAT
<input type="checkbox"/>	<input type="checkbox"/>	JORDAN
<input type="checkbox"/>	<input type="checkbox"/>	LIPSHUTZ
<input type="checkbox"/>	<input type="checkbox"/>	MOORE
<input type="checkbox"/>	<input type="checkbox"/>	POWELL
<input type="checkbox"/>	<input type="checkbox"/>	WATSON
<input checked="" type="checkbox"/>	<input type="checkbox"/>	McINTYRE
<input type="checkbox"/>	<input type="checkbox"/>	SCHULTZE

<input type="checkbox"/>	ENROLLED BILL
<input type="checkbox"/>	AGENCY REPORT
<input type="checkbox"/>	CAB DECISION
<input type="checkbox"/>	EXECUTIVE ORDER
Comments due to Carp/Huron within 48 hours; due to Staff Secretary next day	

<input type="checkbox"/>	ARAGON
<input type="checkbox"/>	BOURNE
<input checked="" type="checkbox"/>	BRZEZINSKI
<input type="checkbox"/>	BUTLER
<input type="checkbox"/>	CARP
<input type="checkbox"/>	H. CARTER
<input type="checkbox"/>	CLOUGH
<input type="checkbox"/>	FALLOWS
<input type="checkbox"/>	FIRST LADY
<input type="checkbox"/>	HARDEN
<input type="checkbox"/>	HUTCHESON
<input type="checkbox"/>	JAGODA
<input type="checkbox"/>	GAMMILL

<input type="checkbox"/>	KRAFT
<input type="checkbox"/>	LINDER
<input type="checkbox"/>	MITCHELL
<input type="checkbox"/>	MOE
<input type="checkbox"/>	PETERSON
<input type="checkbox"/>	PETTIGREW
<input type="checkbox"/>	POSTON
<input type="checkbox"/>	PRESS
<input type="checkbox"/>	SCHLESINGER
<input type="checkbox"/>	SCHNEIDERS
<input checked="" type="checkbox"/>	STRAUSS
<input type="checkbox"/>	VOORDE
<input type="checkbox"/>	WARREN

THE WHITE HOUSE  
WASHINGTON

11/4/77

Mr. President:

Brzezinski, OMB, and Eizenstat  
concur.

Rick

THE PRESIDENT HAS SEEN.  
THE SPECIAL REPRESENTATIVE FOR  
TRADE NEGOTIATIONS  
WASHINGTON

Bob  
J

MEMORANDUM FOR THE PRESIDENT

FROM : Ambassador Robert S. Strauss  
SUBJECT : Trade Agreement with Mexico

RSS.

Negotiators from my Office and the Government of Mexico have completed the terms of a bilateral trade agreement covering import duty rates and other conditions of trade for 35 products of interest to our two countries. This agreement, although small in product coverage, is extremely important for the "Tokyo Round" of Multilateral Trade Negotiations (MTN) and for U.S. international trade policy because:

- (1) it is the first agreement between the United States and a developing country in the "Tropical Products" phase of the MTN, i.e. the phase dealing with trade in products of interest to developing countries;
- (2) it establishes the principle that developing countries will make at least some trade concessions to the United States in return for the concessions that we give them, which is a domestic political necessity; and
- (3) the agreement will be a precedent for many other agreements that we expect to negotiate with developing countries, and which will govern U.S.-LDC trade relations for the next several years.

The proposed U.S.-Mexican agreement, a copy of which is attached, calls for tariff concessions by Mexico on 18 products with a 1974 trade value with the U.S. of \$36 million, and for U.S. concessions on 17 products with a 1974 trade value with Mexico of \$60.6 million. The fact that the agreement provides slightly greater coverage for Mexico, in current dollar terms, reflects our MTN commitment to provide "special and more favorable treatment" for developing countries, where appropriate and feasible.

The agreement also requires Mexico to guarantee unlimited quantitative access to its market for nine products, quantitative access up to a specified level for nine products, and in other respects imposes greater discipline on Mexico's treatment of imports than has existed previously. The tariff benefits of the agreement will be extended by the United States and Mexico to virtually all countries, under the most-favored-nation principle.

The agreement has been examined carefully and approved by all agencies of the Executive Branch that are concerned with international trade policy. We have kept the Congressional trade subcommittees informed throughout the negotiations that led to the agreement. Although implementation of the agreement does not require formal Congressional approval, we have not been advised of any objections.

If you approve our going forward with this agreement, I will proceed to sign it on behalf of the United States at a time that is convenient for us and for the Government of Mexico, probably during November.

APPROVE           ✓          

DISAPPROVE                           

A handwritten signature, possibly initials, in dark ink, located to the right of the 'DISAPPROVE' line.

**Electrostatic Copy Made  
for Preservation Purposes**

## A G R E E M E N T

on trade matters between the  
United States of America and the United Mexican States

The Government of the United States of America and the Government of the United Mexican States, recognizing the benefits that can flow to each of their countries from increased international trade; recognizing the importance of an agreement to encourage increased and more secure access to each other's markets; recognizing particularly the importance to Mexico, in view of its development status, both of improved access to the United States market and of greater diversification of its exports; acting in accordance with the principles embodied in the Declaration of Ministers in Tokyo on September 14, 1973, and taking note of the interest of the Government of the United States of America in the policy of the Government of the United Mexican States to gradually reduce the impediments presented by the current system of import licenses, have, through their respective Plenipotentiaries arrived at the following Agreement.

### Article I

1. Articles the growth, produce, or manufacture of Mexico enumerated in Schedule I, annexed to this Agreement and made a part thereof, shall, upon importation into the United States, be exempt from customs duties in excess of those set forth and provided for in the said Schedule, subject to the conditions specified herein.

2. For purposes of this Agreement, the Government of the United States of America shall, in its trade relations with Mexico pertaining to the Articles specified in Schedule I, assume all rights and undertake all obligations applicable to the United States under the General Agreement on Tariffs and Trade, except as provided in Article IV of this Agreement.

3. The Government of the United States of America shall take no action that nullifies or impairs the benefits accruing to Mexico, directly or indirectly, under this Agreement.

#### Article II

1. Articles the growth, produce, or manufacture of the United States enumerated in Schedule II, annexed to this Agreement and made a part thereof, shall, upon importation into Mexico, be exempt from customs duties in excess of those set forth and provided for in the said Schedule, subject to the conditions specified herein.

2. The Government of the United Mexican States shall not apply to articles of the United States specified in Schedule II, directly or indirectly, any internal taxes or other internal charges of any kind in excess of those applied, directly or indirectly, to like domestic products, except charges imposed in connection with the current system of import licenses and consular fees pursuant to Presidential Decree published in the "Diario Oficial" of February 15, 1972, which went into effect on March 1, 1972.

3. The Government of the United Mexican States shall take no action that nullifies or impairs benefits accruing to the United States, directly or indirectly, under this Agreement.

#### Article III

1. The Government of the United States of America shall apply the tariff treatment specified by this Agreement for articles listed in Schedule I to the articles listed

therein of all countries entitled by U.S. law to receive most-favored-nation treatment.

2. The Government of the United Mexican States shall apply the treatment specified by this Agreement for the articles listed in Schedules IIA and IIB to the articles listed therein of all countries entitled by Mexican law to receive most-favored-nation treatment.

3. Any advantage, favour, privilege of immunity which has been or may hereafter be granted to all countries entitled to receive most-favored-nation treatment by the Government of the United States of America with respect to any articles listed in Schedule I, or by the Government of the United Mexican States with respect to any articles listed in Schedule II, that originate in any third country (except an association or an arrangement of countries with which Mexico has exchanged trade preferences and of which Mexico is a member on a contractual basis on the date of this Agreement) shall be accorded immediately and unconditionally to the like article originating in Mexico or the United States, respectively. Should the Government of the United Mexican States, subsequent to the effective date of this Agreement, enter into preferential arrangements for trade purposes with other developing countries, it may accord advantages, favours, privileges, or immunities to articles listed in Schedule II that originate only from such countries, provided that in taking any such action the Government of the United Mexican States shall comply with Article IV (1) of this Agreement. The Government of the United States of America's consideration of such notification shall be neither more nor less favorable than the consideration that would be accorded in the case of such an action by a GATT Contracting Party.

## Article IV

1. Each party to this Agreement shall notify the other party, and shall accord an opportunity for consultations prior to taking any action affecting the operation of, or its obligations under, this Agreement. In critical circumstances, where one of the parties to this Agreement determines that delay would cause damage which it would be difficult to repair, action may be taken that affects the operation of, or a party's obligations under, this Agreement without prior consultation, on the condition that consultation shall be effected immediately after taking such action.

2. Each party to this Agreement shall, upon request of the other party, enter into consultations with respect to any matter concerning the operation of, or obligations under, this Agreement. Such consultations may include reviews, renegotiations, complaints, or claims of nullification or impairment.

3. If, within 60 days following a request for consultations concerning a claim of nullification or impairment, there has been no satisfactory settlement of the issue, then either party may take such action as may be necessary with a view to restoring the original balance of market opportunities, including the withdrawal of concessions made under this Agreement.

4. Should it be necessary for either party to this Agreement, in order to safeguard its balance of payments, to resort to measures that affect the operation of, or the party's obligations under, this Agreement, then the party taking such measures shall comply with paragraph (1) of this Article. Should the party affected by such measures consider them to constitute a nullification or impairment of benefits accruing under this Agreement, then paragraph (2) and (3) of this Article shall apply. In considering any actions taken by the Government of the United Mexican States to safeguard

its balance of payments, the Government of the United States of America shall take into account Mexico's status as a developing country in the same manner as if Mexico were a Contracting Party to the General Agreement on Tariffs and Trade.

5. Each party to this Agreement shall accord sympathetic consideration to any request by the other party for modifications of this Agreement. In considering any such requests, the Government of the United States of America shall take into account Mexico's development, financial, and trade needs, and the principles and considerations stated in the preamble of this Agreement.

#### Article V

1. This Agreement shall be terminable by either party not less than four months following delivery to the other party of a written notice of its intention to terminate the Agreement.

2. Each Party to this Agreement shall accord sympathetic treatment to a request by the other party for consultations with a view to renegotiating or modifying this Agreement, as may be necessary or appropriate to conform this Agreement to the results of other trade agreements, including agreements that may be concluded in the "Tokyo Round" of Multilateral Trade Negotiations.

#### Article VI

This Agreement shall enter into force on the thirtieth day following final proclamation or ratification thereof, in accordance with domestic procedures, by the President of the United States of America and the President of the United Mexican States. Should such proclamation and

ratification be issued on different days, then this Agreement shall enter into force on the thirtieth day following the later in time of such proclamation or ratification. This Agreement shall remain in force for a period of three years thereafter unless otherwise terminated pursuant to Article V of this Agreement, or unless otherwise renewed.

Done in two original copies at \_\_\_\_\_,  
this \_\_\_\_\_ day of \_\_\_\_\_, each copy in English and Spanish, both texts being equally authentic.

FOR THE UNITED STATES OF AMERICA

FOR THE UNITED MEXICAN STATES

## Schedule I

The concessions provided in this Schedule shall be implemented in accordance with the applicable laws, regulations, and practices of the Government of the United States of America pertaining to such concessions.

The dates referred to in the table in Schedule I establish only the annual rates of duty reductions. The actual dates of implementation will be established in accordance with Article VI of this Agreement.

SCHEDULE I (continued)

Tariff item number	Description of products	Rates of duty effective on and after (date),--						
		1977	1978 1/	1979 1/	1980 1/	1981 1/	1982 1/	1983 1/
	Vegetables, dried, desiccated, or de- hydrated, whether or not reduced in size or reduced to flour (but not otherwise prepared or preserved):							
	Dried, desiccated, or dehydrated:							
	Chickpeas or garbanzos:							
140.20	Split-----	0.5¢ per lb.	0.5¢ per lb.	0.5¢ per lb.	0.5¢ per lb.	0.5¢ per lb.	0.5¢ per lb.	0.5¢ per lb.
140.21	Other-----	0.7¢ per lb.	0.5¢ per lb.	0.5¢ per lb.	0.5¢ per lb.	0.5¢ per lb.	0.5¢ per lb.	0.5¢ per lb.
146.80	Cashew apples, maneyes colorados, sapo- dillas, soursops, and sweetsops, fresh, or prepared or preserved-----	4% ad val.	2.8% ad val.	2.8% ad val.	2.8% ad val.	2.8% ad val.	2.8% ad val.	2.8% ad val.
147.80	Guavas, fresh, or prepared or preserved: Fresh, dried, in brine, or pickled-----	4% ad val.	2.8% ad val.	2.8% ad val.	2.8% ad val.	2.8% ad val.	2.8% ad val.	2.8% ad val.
	Mangoes, fresh or prepared or pre- served:							
	Fresh:							
147.68 2/	If entered during the period from November 1, in any year, to the following March 31, inclusive-----	3¢ per lb.	2.4¢ per lb.	1.7¢ per lb.	1.5¢ per lb.	1.5¢ per lb.	1.5¢ per lb.	1.5¢ per lb.
147.92 3/	Prepared or preserved-----	2.3¢ per lb.	1.5¢ per lb.	1.5¢ per lb.	1.5¢ per lb.	1.5¢ per lb.	1.5¢ per lb.	1.5¢ per lb.
	Melons, fresh, or prepared or pre- served:							
	Fresh:							
	Cantaloupes:							
148.12 4/	If entered during the period from December 1, in any year, to the fol- lowing April 1, inclusive-- Mar. 31	32% ad val.	29% ad val.	26% ad val.	23% ad val.	20% ad val.	17% ad val.	14% ad val.
	Watermelons:							
148.19 5/	If entered during the period from December 1, in any year, to the fol- lowing April 1, inclusive-- Mar. 31	17% ad val.	14% ad val.	11% ad val.	8% ad val.	8% ad val.	8% ad val.	8% ad val.

1/ Subject to general note 3(b) to this Schedule.

2/ New item carved out of existing item 147.86.

3/ The concession on item 147.92 will be implemented only after the principal supplier of U.S. imports of prepared or preserved mangoes makes a concession to the United States.

4/ New item carved out of existing item 148.15.

5/ New item carved out of existing item 148.20.

in 1974

SCHEDULE I (continued)

Tariff item number	Description of products	Rates of duty effective on and after (date),--						
		1977	1978 1/	1979 1/	1980 1/	1981 1/	1982 1/	1983 1/
	Fruit pastes and fruit pulps:							
152.57 2/	Pineapple-----	12% ad val.	9% ad val.	6% ad val.	6% ad val.	6% ad val.	6% ad val.	6% ad val.
152.63 2/	Quince-----	12% ad val.	9% ad val.	6% ad val.	6% ad val.	6% ad val.	6% ad val.	6% ad val.
	Candied, crystallized, or glacé nuts, fruits, fruit peel, and other vege- table substances:							
154.45	Pineapples-----	5.5% ad val.	3.4% ad val.	3.4% ad val.	3.4% ad val.	3.4% ad val.	3.4% ad val.	3.4% ad val.
155.40	Sugars, sirups, molasses, and mixtures thereof; all the foregoing derived from sugar cane or sugar beets and containing soluble non-sugar solids (excluding any foreign substance that may have been added or developed in the product) equal to over 6% by weight of the total soluble solids, if imported for use other than (a) the commercial extraction of sugar, or (b) human consumption-----	Free	Free	Free	Free	Free	Free	Free
	Turpentine, gum and spirits of, and rosin:							
188.51 3/	Spirits of turpentine-----	2% ad val.	Free	Free	Free	Free	Free	Free
	Straws and other fibrous vegetable substances not specially provided for, crude or processed:							
192.55	Broom corn----- /Flax straw/ Isle;	Free	Free	Free	Free	Free	Free	Free
192.70	Processed----- /Rice straw and rice fiber/ Others:	17% ad val.	14% ad val.	11% ad val.	8% ad val.	8% ad val.	8% ad val.	8% ad val.
192.85	Processed-----	2% ad val.	Free	Free	Free	Free	Free	Free
	Baskets and bags, of unspun fibrous vegetable materials, whether lined or not lined:							
222.40 1/	Of bamboo-----	22% ad val.	19% ad val.	16% ad val.	13% ad val.	10% ad val.	10% ad val.	10% ad val.

1/ Subject to general note 3(d) to this Schedule.

2/ New item carved out of existing item 152.76.

3/ New item carved out of existing item 182.50.

Schedule II (A)

The Government of the United Mexican States shall not restrict imports, from any source, of the articles set forth below, up to the levels specified. Commencing January 1, 1979, the levels specified below shall be increased annually by an amount equal to the ratio of the officially determined gross domestic product of Mexico for each preceding calendar year to the officially determined gross domestic product of Mexico for calendar year 1977. No additional increase shall be applicable for any calendar year if, in the preceding calendar year, the deficit of Mexico in its bilateral trade with the United States is greater than the deficit was for calendar year 1976. Should the Government of the United Mexican States restrict imports of the articles listed below in excess of the levels specified as adjusted by this schedule; it shall notify the Government of the United States of America and shall, upon request, enter into consultations in accordance with Article IV(1) of this Agreement. Any such restriction, however, shall not be deemed to be a nullification or impairment of benefits accruing to the United States under this Agreement.

The concessions provided for in Schedule II shall be implemented in accordance with the applicable laws, regulations, and practices of the Government of the United Mexican States with respect to such concessions.

SCHEDULE II A

<u>BTN</u>	<u>DESCRIPTION</u>	<u>DUTY RATE</u>	<u>LEVEL</u>	<u>LOCATION</u>
04.02A001	Evaporated milk	25%	13,253,004 kg	Free Zone
04.02A999 (ex)	Other milk and cream (baby formula); powdered	25%	3,182 kg	Interior
04.05A001	Shell eggs, except for hatching	25%	28,876 kg	Interior
15.01A001	Lard	25%	( 1,314,670 kg ( 691,515 kg	Free Zone Interior
15.02A001	Tallow	25%	46,544,322 kg	Interior
20.06A999 (ex)	Canned fruit cocktail	50%	50,000 cases of 24 No. 2-1/2 cans	Interior
33.01A038	Essential oil of lemon	37.5%	22,727 kg	Interior
29.24A003	Lecithin	25%	1,314,119 kg	Interior
85.01A012	AC motors (20 Kg or more, but less than 100 Kg)	55% ) 1/ )	505,213 kg	Interior
	(100 Kg or more, but not more than 200 Kg)	40% )		

1/ Duty rate will not become effective on 100-200 Kg motors until the Government of Mexico has monitored trade to establish the import level of 100-200 Kg AC motors. At such time, quantitative sub-limits, based on actual import levels, will be established for such 100-200 Kg motors, but in any event the total quantitative limit for all AC motors covered by this Agreement will be that specified above, as adjusted pursuant to the terms of this Schedule.

Schedule II (B)

The Government of the United Mexican States shall not restrict imports, from any source, of the articles set forth below. The Government of the United Mexican States shall, however, review the levels of such imports at four-month intervals. If, as a result of such a review, the Government of the United Mexican States finds that imports of such articles are injuring or threatening to injure Mexican industries producing like or directly competitive articles, then the Government of the United Mexican States shall notify the Government of the United States of America of that finding and shall, upon request, enter into consultations, which shall be conducted in accordance with Article IV of this Agreement. If, within 60 days following the request for such consultations, there has been no satisfactory settlement, then the Government of the United Mexican States may take such action as is necessary to prevent the injury or threat thereof, and the Government of the United States of America may take such action as may be necessary. In critical circumstances, where delay would cause damage which it would be difficult to repair, the Government of the United Mexican States may take action without prior notification and consultation, provided that notification and consultation shall be effected immediately after taking such action.

SCHEDULE IIB

<u>BTN</u>	<u>Article</u>	<u>Duty</u>
12.02A001	Flour and grits of soybeans, nondefatted	50%
12.02A999	<u>/Flour and/</u> grits of cottonseeds and peanuts, nondefatted	50%
21.07A999 (ex)	<u>/Vegetable protein concentrates,</u> textured vegetable proteins, vegetable protein hydrolysates <u>/</u>	35%
	or	
	<u>/textured soybeans/</u>	
23.04A001 (ex)	Flour and grits of soybeans, cottonseeds and peanuts defatted	10%
35.04A004	Pure vegetable proteins, hydrolized	25%
35.04A999 (ex)	<u>/Peptones and other protein substances</u> including vegetable protein isolates <u>/</u>	35%
	or	
	<u>/Vegetable protein isolates/</u>	
84.23B001 (ex)	Parts for ground engaging tools as described in attachment A	20%
84.28A007	Poultry feeders	25%
90.28	Analog, portable multi-modal, volt/ohm/millimeter	15%

SCHEDULE IIB

Attachment A

Bulldozer Cutting Edges

Motor Grader Cutting Edges

Bucket Cutting Edges

Scraper Cutting Edges

HOUSE

*[Handwritten: 10/25; Strauss expected to withdraw own memo - per Deland. Wants 1/2 for new memo.]*

*[Handwritten: Per Strauss office not to be withdrawn.]*

MEMORANDUM

FOR INFORMATION:

the Vice President:

*[Handwritten: none]*

MEMORANDUM

**FOR INFORMATION:**

## The Vice President:

**FROM: Rick Hutcheson, Staff Secretary**

**SUBJECT:** Brzezinski memo dated 10/13/77 re Request by  
Ambassador Strauss to Sign Trade Agreement with  
Mexico and Future Trade Agreements.

**YOUR RESPONSE MUST BE DELIVERED  
TO THE STAFF SECRETARY BY:**

**TIME: 12:00 NOON**

DAY: Saturday

DATE: October 15, 1977

**ACTION REQUESTED:**

  X   Your comments

**Other:**

**STAFF RESPONSE:**

\_\_\_\_\_ I concur.

***Please note other comments below:***

**PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.**

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)

10/31. Per Carol Cleland,  
a new Strauss & ZTS news  
will be coming by 11/1 &  
be substituted for orig.  
news. confirmed by  
Jane Fitzgerald at STR

## THE WHITE HOUSE

WASHINGTON

ACTION

November 2, 1977

MEMORANDUM FOR:

THE PRESIDENT

FROM:

ZBIGNIEW BRZEZINSKI

23-

SUBJECT:

Request by Ambassador Strauss to  
Sign Trade Agreement with Mexico  
and Future Trade Agreements

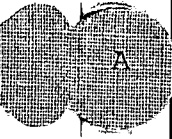
Bob Strauss has written you a memo (Tab A) informing you that his negotiators and those from Mexico have completed the terms of a bilateral trade agreement (Tab B) on tropical products, and requesting that you authorize him to sign that agreement. I concur.

RECOMMENDATION

That you approve Ambassador Strauss' request for authority to sign the trade agreement with Mexico.

\_\_\_\_\_ Approve

\_\_\_\_\_ Disapprove



THE WHITE HOUSE  
WASHINGTON

Being reviewed  
by Ginsberg.

—

Buy



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

October 14, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: James T. McIntyre, Jr. *James T. McIntyre, Jr.*

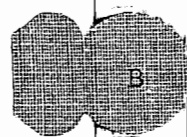
SUBJECT: Brzezinski Memo Dated 10/13/77 re: Request  
by Ambassador Strauss to Sign Trade Agreement  
with Mexico and Future Trade Agreements

OMB supports the delegation of authority to Ambassador Strauss to sign the U.S.-Mexican Trade Agreement. However, we do have a concern about the second part of the memo. Although we have complete faith in Bob's abilities and negotiating skills, we do not think you should approve his requested authorization to sign all trade agreements entered into under Title I, Chapters 1 and 2, of the Trade Act of 1974, for the following reasons:

- On substantive grounds, a good case can be made that the final decision on entering into major trade agreements, such as those concluding the MTN, should properly be made by the President.
- On procedural grounds, such a general delegation of the President's authority would deprive you of the orderly presentation of the advice of other Cabinet heads who may be vitally affected. Approval of the Strauss request would substantially change the interagency trade policy mechanism established by Executive Order No. 11846.

Recommendation

Because there is no urgency in acting on the broad delegation, the STR should be directed to submit the proposal to OMB for clearance with all interested agencies and review by Justice as an amendment to the basic Executive Order, as is the case with all other changes to Executive Orders. Although I am sure Bob will continue to handle the various negotiations superbly, you should retain the ability to hear other views on each agreement.



THE WHITE HOUSE  
WASHINGTON

/	FOR STAFFING
	FOR INFORMATION
	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

ACTION	FYI	
	/	MONDALE
		COSTANZA
/		EIZENSTAT
		JORDAN
		LIPSHUTZ
/		MOORE
		POWELL
		WATSON
/		<del>LANCE</del> JM
		SCHULTZE

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER
	Comments due to Carp/Huron within 48 hours; due to Staff Secretary next day

	ARAGON
	BOURNE
	BRZEZINSKI
	BUTLER
	CARP
	H. CARTER
	CLOUGH
	FALLOWS
	FIRST LADY
	HARDEN
	HUTCHESON
	JAGODA
	KING

	KRAFT
	LINDER
	MITCHELL
	MOE
	PETERSON
	PETTIGREW
	POSTON
	PRESS
	SCHLESINGER
	SCHNEIDERS
	STRAUSS
	VOORDE
	WARREN

THE WHITE HOUSE  
WASHINGTON

6586

ACTION

October 13, 1977

MEMORANDUM FOR: THE PRESIDENT

FROM: ZBIGNIEW BRZEZINSKI *ZB.*

SUBJECT: Request by Ambassador Strauss to  
Sign Trade Agreement with Mexico  
and Future Trade Agreements

Bob Strauss has written you a memo (at Tab A), informing you that his negotiators and those from Mexico have completed the terms of a bilateral trade agreement and requesting that you authorize him to sign that agreement as well as any future agreements which his office negotiates under the authority of the Trade Act of 1974. Strauss points out that the U.S. - Mexican agreement is especially important because it will probably serve as a model for agreements which we negotiate with other developing countries.

RECOMMENDATION

I recommend that you authorize Ambassador Strauss to sign the U.S. - Mexico Trade Agreement;

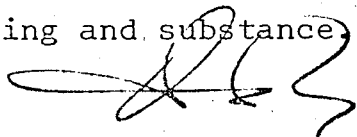
APPROVE \_\_\_\_\_ DISAPPROVE \_\_\_\_\_

And that you authorize him to sign future similar agreements by signing the memorandum at Tab B.

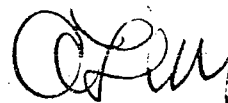
APPROVE \_\_\_\_\_ DISAPPROVE \_\_\_\_\_

## MEMORANDUM OF UNDERSTANDING

Representatives of the Government of the United Mexican States and the Government of the United States of America met on several occasions from February 10 to September 23, 1977 and reached agreement on the substance of an exchange of Notes to be effected between the two Governments, concerning trade between the United States of America and the United Mexican States. The attached Notes have been negotiated by the representatives of the two Governments to embody the above-mentioned agreement in substance. These Notes are subject to approval by the two Governments, to technical corrections and to agreed changes in the wording that would not change their meaning and substance.



For the United Mexican States



For the United States  
Delegation

Attached:

1. Notes to be exchanged containing the provisions concerning trade between the two Governments.

24 September, 1977

*Stamps*  
6586

THE SPECIAL REPRESENTATIVE FOR  
TRADE NEGOTIATIONS  
WASHINGTON

OCT 4 1977

MEMORANDUM FOR THE PRESIDENT

FROM : Ambassador Robert S. Strauss *R.S.S.*

SUBJECT : Authority to Sign Trade Agreement with Mexico  
and Future Trade Agreements

Negotiators from my Office and the Government of Mexico are completing the terms of a bilateral trade agreement covering import duty rates and other conditions of trade for 35 products of interest to our two countries. This agreement, although small in product coverage, is extremely important for the "Tokyo Round" of Multilateral Trade Negotiations (MTN) and for U.S. international trade policy because:

- (1) it is the first agreement between the United States and a developing country in the "Tropical Products" phase of the MTN, i.e. the phase dealing with trade in products of interest to developing countries;
- (2) it establishes the principle that developing countries will make at least some trade concessions to the United States in return for the concessions that we give them, which is a domestic political necessity; and
- (3) the agreement will be a precedent for many other agreements that we expect to negotiate with developing countries, and which will govern U.S.-LDC trade relations for the next several years.

The purpose of this memorandum is to inform you about the agreement, to request authorization to sign it formally on behalf of the United States, and to request stand-by authority to sign similar agreements that we may negotiate in the MTN context.

The U.S.-Mexican agreement, a copy of which (with the text still subject to minor technical changes) is attached at Tab A, calls for tariff concessions by Mexico on 18 products with a 1974 trade value with the U.S. of \$36 million, and for

U.S. concessions on 17 products with a 1974 trade value with Mexico of \$60.6 million. These tariff benefits will be extended by the United States and Mexico to virtually all countries, under the most-favored-nation principle. The agreement also requires Mexico to guarantee unlimited quantitative access to its market for nine products, quantitative access up to a specified level for nine products, and in other respects imposes greater discipline on Mexico's treatment of imports than has existed previously.

If you approve our proceeding with this agreement, I would appreciate receiving from you formal authorization to sign the agreement on behalf of the United States. Such authorization could be granted by means of the draft memorandum attached at Tab B, which also would authorize the STR to sign other trade agreements as described below.

During the next year, we hope to negotiate similar trade agreements with 30 or more developing countries. Together, these agreements will constitute the U.S. contribution to the Tropical Products (developing countries) segment of the MTN. In addition to the MTN Tropical Products agreements, we expect to conclude in the MTN a general agreement for the reduction of tariffs from all major trading nations, and a series of agreements establishing rules with respect to non-tariff barriers to international trade, such as product standards practices and government purchasing policies.

In each of these negotiations, there should be no doubt that I have full authority to commit the U.S. Executive Branch, since any doubt about this point among our trading partners could delay their willingness to present final negotiating positions. For this reason, and also in order to avoid the necessity for repeatedly burdening you with requests for authorizations to sign agreements, I request formal authorization to sign on behalf of the United States all trade agreements entered into under Title I of the Trade Act of 1974, which comprises the agreements that will be concluded in the MTN (including the Mexican agreement), and those that are within the responsibilities of the STR by statute and Executive order.

I will, of course, keep you fully informed about developments in the MTN, and will seek separate authorizations from you with respect to any matters pertaining to trade agreements or policy that appear to warrant such separate attention.

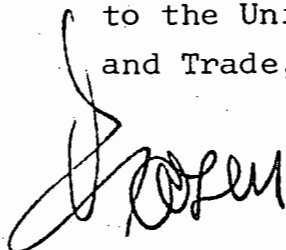
PREAMBLE

The Government of the United States of America and the Government of the United Mexican States, recognizing the benefits that can flow to each of their countries from increased international trade, recognizing the importance of an agreement to encourage increased and more secure access to each other's markets, recognizing particularly the importance to Mexico of improved access to the United States market and of greater diversification of its exports in view of Mexico's development status, acting in accordance with the principles embodied in the Declaration of Ministers in Tokyo on September 14, 1973, and taking note of the interest of the Government of the United States of America in the policy of the Government of the United Mexican States to gradually reduce the impediments presented by the current system of import licensing, have, through their respective Plenipotentiaries arrived at the following Agreement.

ARTICLE I

A. Articles the growth, produce, or manufacture of Mexico enumerated in Schedule I annexed to this Agreement and made a part thereof shall, upon importation into the United States be exempt from customs duties in excess of those set forth and provided for in the said Schedule, subject to the conditions specified herein.

B. For purposes of this Agreement, the Government of the United States of America shall, in its trade relations with Mexico pertaining to the articles specified in Schedule I, assume all rights and undertake all obligations applicable to the United States under the General Agreement on Tariffs and Trade, except as provided in Article IV of this Agreement.

A handwritten signature in dark ink, appearing to be "J. Rosen", is located in the bottom left corner of the document.

C. The Government of the United States of America shall take no action that nullifies or impairs the benefits accruing to Mexico, directly or indirectly, under this Agreement.

## ARTICLE II

A. Articles the growth, produce, or manufacture of the United States enumerated in Schedule II, annexed to this Agreement and made a part thereof shall, upon importation into Mexico, be exempt from customs duties in excess of those set forth and provided for in the said Schedule, subject to the conditions specified herein.

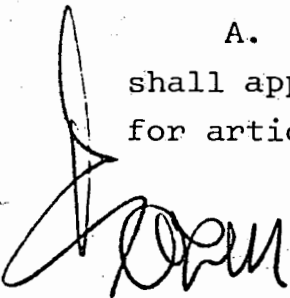
B. The Government of the United Mexican States shall permit importation of articles specified in Schedule II, subject to the conditions specified therein.

C. The Government of the United Mexican States shall not apply to articles of the United States specified in Schedule II, directly or indirectly, any internal taxes or other internal charges of any kind in excess of those applied, directly or indirectly, to like domestic products, except charges imposed in connection with the current system of import licensing and consular fees pursuant to Presidential Decree published in the "Diario Oficial" of February 15, 1972, which went into effect on March 1, 1972.

D. The Government of the United Mexican States shall take no action that nullifies or impairs benefits accruing to the United States, directly or indirectly, under this Agreement.

## ARTICLE III

A. The Government of the United States of America shall apply the tariff treatment specified by this Agreement for articles listed in Schedule I to the articles listed



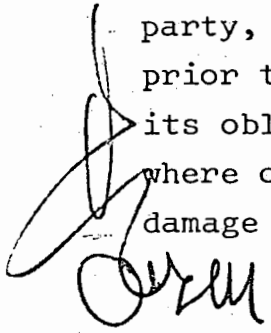
therein of all countries entitled by U.S. law to receive most-favored-nation treatment.

B. The Government of the United Mexican States shall apply the treatment specified by this Agreement for the articles listed in Schedules IIA and IIB to the articles listed therein of all countries entitled by Mexican law to receive most-favored-nation treatment.

C. Any advantage, favour, privilege or immunity which has been or may hereafter be granted to all countries entitled to receive most-favored-nation treatment by the Government of the United States of America with respect to any articles listed in Schedule I, or by the Government of the United Mexican States with respect to any articles listed in Schedule II, originating in any third country (except an association or an arrangement of countries with which Mexico has exchanged trade preferences and of which Mexico is a member on a contractual basis on the date of this Agreement) shall be accorded immediately and unconditionally to the like article originating in Mexico or the United States, respectively. Should the Government of the United Mexican States, subsequent to the effective date of this Agreement, enter into preferential arrangements with other developing countries for trade purposes, it may accord advantages, favours, privileges, or immunities to articles listed in Schedule II originating only from members of such association, provided that in taking any such action the Government of the United Mexican States shall comply with Article IV of this Agreement.

#### ARTICLE IV

A. Each party to this Agreement shall notify the other party, and shall accord an opportunity for consultations, prior to taking any action affecting the operation of, or its obligations under, this Agreement. In critical circumstances where one of the parties determines that delay would cause damage which it would be difficult to repair action may be taken



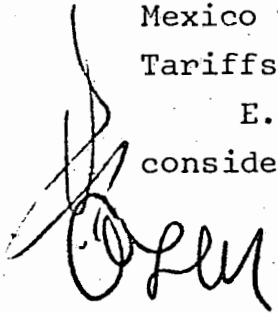
that affects the operation of, or a party's obligations under, this Agreement without prior consultation, on the condition that consultation shall be effected immediately after taking such action.

B. Each party to this Agreement shall, upon request of the other party, enter into consultations with respect to any matter concerning the operation of, or obligations under, this Agreement. Such consultations may include reviews, renegotiations, complaints, or claims of nullification or impairment.

C. If, within 60 days following a request for consultations concerning a claim of nullification or impairment there has been no satisfactory settlement of the issue, then either party may take such action as may be necessary with a view to restoring the original balance of market opportunities, including the withdrawal of concessions made under this agreement.

D. Should it be necessary for either party to this Agreement, in order to safeguard its balance of payments, to resort to measures that affect the operation of, or the party's obligations under, this Agreement, then the party taking such measures shall comply with paragraph (A) of this Article. Should the party against whom such measures are taken consider them to constitute a nullification or impairment of benefits accruing under this Agreement, then paragraph (C) of this Article shall apply. In considering any actions taken by the Government of the United Mexican States to safeguard its balance of payments, the United States shall take into account Mexico's status as a developing country in the same manner as if Mexico were a Contracting Party to the General Agreement on Tariffs and Trade.

E. Each party to this Agreement shall accord sympathetic consideration to any request by the other party for modifications



of this Agreement. In considering any such requests, the United States shall take into account Mexico's development, financial, and trade needs, and the principles stated in the preamble of this agreement.

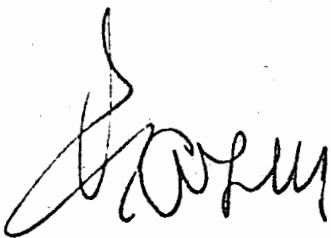
#### ARTICLE V

A. This Agreement shall be terminable by either party not less than four months following delivery to the other party of a written notice of its intention to terminate the Agreement.

B. Each Party to this Agreement shall accord sympathetic treatment to a request by the other party for consultations with a view to renegotiating or modifying this Agreement as may be necessary or appropriate to conform this Agreement with other trade agreements, including agreements that may be concluded in the "Tokyo Round" of Multilateral Trade Negotiations.

#### ARTICLE VI

This Agreement shall enter into force on the thirtieth day following proclamation or ratification thereof, in accordance with domestic procedures by the President of the United States and the President of the United Mexican States, or, should such proclamations be issued on different days, on the thirtieth day following the later in time of such proclamation or ratification, and shall remain in force for a period of three years thereafter unless otherwise terminated pursuant to Article V of this Agreement, or unless otherwise renewed.

A handwritten signature in dark ink, appearing to be a stylized name, possibly "H. Ruiz", written in a cursive script.

SCHEDULE I 1/

UNITED STATES OF AMERICA

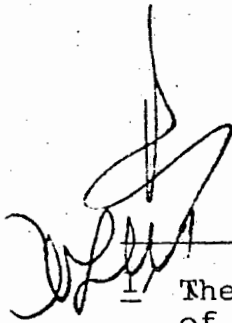
GENERAL NOTES

1. The tariff rate concessions provided for in this Schedule are expressed in terms of the provisions of the Tariff Schedules of the United States and of provisions derived therefrom and subordinate thereto. The provisions of this Schedule shall have the same meaning as the corresponding provisions of the Tariff Schedules of the United States in effect on the date of the agreement to which this Schedule is annexed, and the application to the provisions of this Schedule of other laws of the United States relating to importation and of other provisions of the Tariff Schedules of the United States not included herein, in effect on that date, shall be the same as the application of such laws and provisions to such corresponding provisions of the Tariff Schedules of the United States.

2. The bracketed language in the description column of this Schedule has been inserted only in order to clarify the scope of the numbered concession items, and such language is not itself intended to describe articles on which concessions have been granted.

3. For the purpose of applying the one-year intervals provided for in the rate columns in this Schedule:

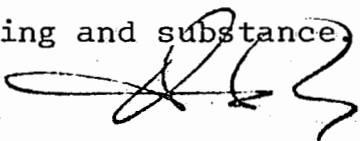
- (a) The rate of duty specified in any rate column relating to an item shall be considered as being in effect even though there is being applied to an article provided for under such item either no duty or a lower rate of duty; and
- (b) There shall be excluded any time during which a rate of duty higher than that specified in a rate column relating to an item is being applied to an article provided for under such item.



1 The dates referred to in the table below establish the annual rate of duty reduction. The actual dates of implementation will occur pursuant to Article VI of this Agreement.

## MEMORANDUM OF UNDERSTANDING

Representatives of the Government of the United Mexican States and the Government of the United States of America met on several occasions from February 10 to September 23, 1977 and reached agreement on the substance of an exchange of Notes to be effected between the two Governments, concerning trade between the United States of America and the United Mexican States. The attached Notes have been negotiated by the representatives of the two Governments to embody the above-mentioned agreement in substance. These Notes are subject to approval by the two Governments, to technical corrections and to agreed changes in the wording that would not change their meaning and substance.



For the United Mexican States



For the United States  
Delegation

Attached:

1. Notes to be exchanged containing the provisions concerning trade between the two Governments.

24 September, 1977

SCHEDULE I (continued)

Tariff item number	Description of products	Rates of duty effective on and after (date),--						
		1977	1978 1/	1979 1/	1980 1/	1981 1/	1982 1/	1983 1/
	Vegetables, dried, desiccated, or de- hydrated, whether or not reduced in size or reduced to flour (but not otherwise prepared or preserved): Dried, desiccated, or dehydrated: Chickpeas or garbanzos:							
140.20	Split-----	0.5¢ per lb.	0.5¢ per lb.	0.5¢ per lb.	0.5¢ per lb.	0.5¢ per lb.	0.5¢ per lb.	0.5¢ per lb.
140.21	Other-----	0.7¢ per lb.	0.5¢ per lb.	0.5¢ per lb.	0.5¢ per lb.	0.5¢ per lb.	0.5¢ per lb.	0.5¢ per lb.
146.80	Cashew apples, mameyes colorados, sapo- dillas, sourrops, and sweetsops, fresh, or prepared or preserved-----	4% ad val.	2.8% ad val.	2.8% ad val.	2.8% ad val.	2.8% ad val.	2.8% ad val.	2.8% ad val.
147.80	Guavas, fresh, or prepared or preserved: Fresh, dried, in brine, or pickled-----	4% ad val.	2.8% ad val.	2.8% ad val.	2.8% ad val.	2.8% ad val.	2.8% ad val.	2.8% ad val.
	Mangoes, fresh or prepared or pre- served: Fresh: If entered during the period from November 1, in any year, to the following March 31, inclusive-----	3¢ per lb.	2.4¢ per lb.	1.7¢ per lb.	1.5¢ per lb.	1.5¢ per lb.	1.5¢ per lb.	1.5¢ per lb.
147.88 2/								
147.92 3/	Prepared or preserved-----	2.3¢ per lb.	1.5¢ per lb.	1.5¢ per lb.	1.5¢ per lb.	1.5¢ per lb.	1.5¢ per lb.	1.5¢ per lb.
	Melons, fresh, or prepared or pre- served: Fresh: Cantaloupes: If entered during the period from December 1, in any year, to the fol- lowing April 1, inclusive-----	32% ad val.	29% ad val.	26% ad val.	23% ad val.	20% ad val.	17% ad val.	14% ad val.
148.12 4/								
	Watermelons: If entered during the period from December 1, in any year, to the fol- lowing April 1, inclusive-----	17% ad val.	14% ad val.	11% ad val.	8% ad val.	8% ad val.	8% ad val.	8% ad val.
148.19 5/								

1/ Subject to general note 3(b) to this Schedule.

2/ New item carved out of existing item 147.86.

3/ The concession on item 147.92 will be implemented only after the principal supplier of U.S. imports of prepared or preserved mangoes makes a concession to the United States.

4/ New item carved out of existing item 148.15.

5/ New item carved out of existing item 148.20.

in 1974

SCHEDULE I (continued)

Tariff item number	Description of products	Rates of duty effective on and after (date),--						
		1977	1978 1/	1979 1/	1980 1/	1981 1/	1982 1/	1983 1/
	Fruit pastes and fruit pulps:							
152.67 2/	Pineapple-----	12% ad val.	9% ad val.	6% ad val.	6% ad val.	6% ad val.	6% ad val.	6% ad val.
152.68 2/	Quince-----	12% ad val.	9% ad val.	6% ad val.	6% ad val.	6% ad val.	6% ad val.	6% ad val.
	Candied, crystallized, or glacé nuts, fruits, fruit peel, and other vege- table substances:							
154.45	Pineapples-----	5.5% ad val.	3.4% ad val.	3.4% ad val.	3.4% ad val.	3.4% ad val.	3.4% ad val.	3.4% ad val.
155.40	Sugars, sirups, molasses, and mixtures thereof; all the foregoing derived from sugar cane or sugar beets and containing soluble non-sugar solids (excluding any foreign substance that may have been added or developed in the product) equal to over 6% by weight of the total soluble solids, if imported for use other than (a) the commercial extraction of sugar, or (b) human consumption-----	Free	Free	Free	Free	Free	Free	Free
	Turpentine, gum and spirits of, and rosin:							
138.51 3/	Spirits of turpentine-----	2% ad val.	Free	Free	Free	Free	Free	Free
	Straws and other fibrous vegetable substances not specially provided for, crude or processed:							
192.55	Broom corn----- /Flax straw/ Isle:	Free	Free	Free	Free	Free	Free	Free
192.70	Processed----- /Rice straw and rice fiber/ Other:	17% ad val.	14% ad val.	11% ad val.	8% ad val.	8% ad val.	8% ad val.	8% ad val.
192.85	Processed-----	2% ad val.	Free	Free	Free	Free	Free	Free
	Baskets and bags, of unspun fibrous vegetable materials, whether lined or not lined:							
221.40 3/	Of bamboo-----	22% ad val.	19% ad val.	16% ad val.	13% ad val.	10% ad val.	10% ad val.	10% ad val.

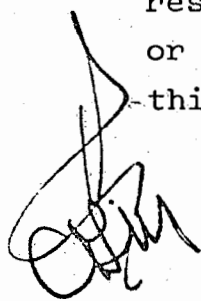
1/ Subject to general note 3(b) to this Schedule.

2/ New item carved out of existing item 152.76.

3/ New item carved out of existing item 138.50.

SCHEDULE II (A)

The Government of the United Mexican States shall not restrict imports, from any source, of the articles set forth below, up to the levels specified. Commencing January 1, 1979, the levels specified below shall be increased annually by an amount equal to the ratio of the officially determined gross domestic product of Mexico for each preceding calendar year to the officially determined gross domestic product of Mexico for the calendar year 1977. No additional increase shall be applicable for any calendar year if, in the preceding calendar year, the deficit of Mexico in its bilateral trade with the United States is greater than that deficit was for calendar year 1974. Should the Government of the United Mexican States restrict imports of the articles listed below as adjusted by this schedule in excess of the levels specified, it shall notify the Government of the United States of America and shall, upon request, enter into consultations in accordance with Article IV(a) of this Agreement. Any such restriction, however, shall not be deemed to be a nullification or impairment of benefits accruing to the United States under this Agreement.



SCHEDULE II A

<u>BTN</u>	<u>DESCRIPTION</u>	<u>DUTY RATE</u>	<u>LEVEL</u> <u>1/</u> <u>2/</u> <u>3/</u>	<u>LOCATION</u>
04.02A001	Evaporated milk	25%	P 77,674,463	PL
04.02A999 (ex)	Other milk and cream (baby formula); powdered	25%	30,000 kg <u>4/</u>	INT
04.05A001	Shell eggs, except for hatching	25%	P 1,505,534	INT
15.01A001	Lard	25%	P 14,825,540	PL/INT
15.02A001	Tallow	25%	P271,482,921	INT
20.06A999 (ex)	Canned fruit cocktail	50%	50,000 cases of 24 No 2-1/2 cans	INT
33.01A038	Essential oil of lemon	37.5%	50,000 lbs	INT <u>3/</u>
29.24A003	Lecithin	25%	P 12,220,242	INT
85.01A012	AC motors (20-200 Kg) 100-200 Kg	55% 40%	P 29,578,088	INT

1/Quantity equivalent of 1974 peso total.

Key - PL  
Perimeter Libre  
INT  
Interior

2/Quantity total is not applicable, constant 1974 dollars will be used

3/The above-listed level of licenses will be available to MFN suppliers

4/Powder equivalent of 30,000 kgs of liquid baby formula.

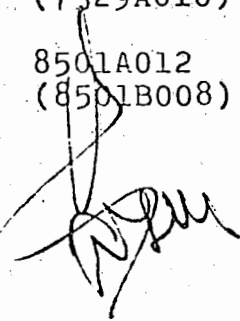
5/Duty rate will not become effective on 100-200 Kg motor until the Government of Mexico has monitored trade to establish the import level of 100-200 Kg AC Motors. At such time quantity levels based on actual import levels will be established but in any event the combined quantity totals will be no lower or higher than that specified or adjusted by this schedule.

P  
Mexican pesos 1974  
\$1.00 = 12.5

Schedule II (A)

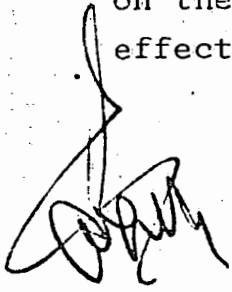
Quantity Figures for Schedule IIA (Kilograms)

	<u>Total</u> <u>al Interior</u>	<u>Proc. de E.V.</u>	<u>Perimeter of</u> <u>Libres</u>
0402A001	838,093	838,093	13,253,009
0402A999	1,000,803	15,098	11,187
0405A001	28,879	28,853	420
[1005A003	5,747,754	5,687,858	94,078]
1501A001	691,515	691,515	1,314,670
1502A001	46,544,322	46,475,148	11,800
2924A003 (2924A012)	1,314,119	1,093,711	1,465
7329A007 (7329A010)	110,474	99,061	1,401
8501A012 (8501B008)	505,213	358,520	7,820



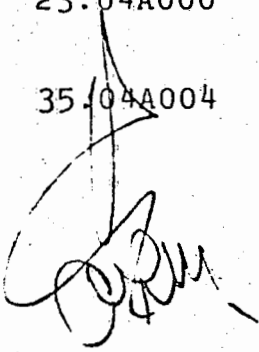
SCHEDULE II (B)

The Government of the United Mexican States shall not restrict imports, from any source, of the articles set forth below. The Government of the United Mexican States shall, however, review the levels of such imports at four-month intervals. If, as a result of such a review, the Government of the United Mexican States finds that imports of such articles are injuring or threatening to injure Mexican industries producing like or directly competitive articles, then the Government of the United Mexican States shall notify the Government of the United States of America of that finding and shall, upon request, enter into consultations, which shall be conducted in accordance with Article IV of this Agreement. If, within 60 days following the request for such consultations, there has been no satisfactory settlement, then the Government of the United Mexican States may take such action as is necessary to prevent the injury or threat thereof, and the Government of the United States of America may take such action as may be necessary. In critical circumstances, where delay would cause damage which it would be difficult to repair, the Government of the United Mexican States may take action provisionally without prior notification and consultation, on the condition that notification and consultation shall be effected immediately after taking such action.



Schedule II B

<u>BTN</u>	<u>Article</u>	<u>Duty</u>
84.23B001 (ex)	Parts for ground engaging tools as described in Attachment A	20%
84.28A007	Poultry feeders	25%
90.28	Analog, portable multi-modal, Volt/ohm/millimeter	15%
	Vegetable proteins	
12.02A001	Soybean flour or grits nondefatted	50%
12.02A999	Cottonseed and peanut grits nondefatted	50%
35.04A999	Pure vegetable proteins hydrolized	25%
21.07A999	Textured soyflour	35%
23.04A000	Soybean cotton peanut flour or grits defatted	10%
35.04A004	Peptones and other protein substances	35%



II B Attachment A

Bulldozer Cutting Edges

Motor Grader Cutting Edges

Bucket Cutting Edges

Scraper Cutting Edges

*[Handwritten signature]*

MEMORANDUM FOR THE SPECIAL REPRESENTATIVE FOR TRADE  
NEGOTIATIONS

SUBJECT: Delegation of Authority with Respect to  
Trade Agreements

The Special Representative for Trade Negotiations is hereby authorized to perform the functions of the President specified in Section 134 of the Trade Act of 1974 (19 U.S.C. 2154), with respect to the extension of offers of trade concessions on behalf of the United States during international trade negotiations conducted pursuant to Title I of the Trade Act. The authority of the President to enter into Trade Agreements pursuant to Title I, Chapters 1 and 2 of the Trade Act of 1974 (19 U.S.C. 2111-2137) also is delegated to Special Trade Representative.

This memorandum shall be published in the Federal Register.

THE WHITE HOUSE  
WASHINGTON

	FOR STAFFING
X	FOR INFORMATION
	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

ACTION  
FYI

	MONDALE
	COSTANZA
	EIZENSTAT
	JORDAN
	LIPSHUTZ
	MOORE
	POWELL
	WATSON
	LANCE
	SCHULTZE

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER

Comments due to  
Carp/Huron within  
48 hours; due to  
Staff Secretary  
next day

	ARAGON
	BOURNE
X	BRZEZINSKI → to
	BUTLER
	CARP
	H. CARTER
	CLOUGH
	FALLOWS
	FIRST LADY
	HARDEN
	HUTCHESON
	JAGODA
	KING

*Indefinite*

	KRAFT
	LINDER
	MITCHELL
	MOE
	PETERSON
	PETTIGREW
	POSTON
	PRESS
	SCHLESINGER
	SCHNEIDERS
	STRAUSS
	VOORDE
	WARREN

THE WHITE HOUSE  
WASHINGTON

October 15, 1977

Rick Inderfurth

The attached is forwarded to  
you for your information.

Rick Hutcheson

RE: OMB COMMENTS TO REQUEST BY  
STRAUSS TO SIGN TRADE AGREE-  
MENT WITH MEXICO AND FUTURE  
TRADE AGREEMENTS

THE WHITE HOUSE  
WASHINGTON

November 7, 1977

Hamilton Jordan

The attached was returned in  
the President's outbox. It is  
forwarded to you for appropriate  
handling.

Rick Hutcheson  
cc: Jim Gammill

RE: COMMISSIONER, FEDERAL  
ADMINISTRATION ON AGING

THE WHITE HOUSE  
WASHINGTON

	FOR STAFFING
	FOR INFORMATION
✓	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

ACTION	FYI	
		MONDALE
		COSTANZA
		EIZENSTAT
✓		JORDAN
		LIPSHUTZ
		MOORE
		POWELL
		WATSON
		McINTYRE
		SCHULTZE

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER
	Comments due to Carp/Huron within 48 hours; due to Staff Secretary next day

	ARAGON
	BOURNE
	BRZEZINSKI
	BUTLER
	CARP
	H. CARTER
	CLOUGH
	FALLOWS
	FIRST LADY
	HARDEN
	HUTCHESON
	JAGODA
✓	GAMMILL

	KRAFT
	LINDER
	MITCHELL
	MOE
	PETERSON
	PETTIGREW
	POSTON
	PRESS
	SCHLESINGER
	SCHNEIDERS
	STRAUSS
	VOORDE
	WARREN

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE  
WASHINGTON

November 7, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: HAMILTON JORDAN

*H.J.*

SUBJECT: Commissioner, Federal Administration on Aging

Attached is a memorandum from Secretary Califano recommending the appointment of Robert C. Benedict as Commissioner of the Federal Administration on Aging. I recommend that you approve this appointment.

As the Secretary mentions in his memorandum, Nelson Cruikshank is confident that Mr. Benedict will serve you well as the Commissioner.

Because the initial choice for this position recently withdrew from consideration, the Secretary feels under pressure to have a replacement as soon as possible. He specifically has asked to announce this Thursday your intention to appoint Benedict, subject to your approval. However, unless you think otherwise, we have asked the Secretary not to release Mr. Benedict's name until his conflict of interest papers and security checks have been reviewed.

RECOMMENDATION:

Appoint Robert C. Benedict Commissioner of the Federal Administration on Aging.

APPROVE

☒

DISAPPROVE

\_\_\_\_\_

*JC*

Electrostatic Copy Made  
for Preservation Purposes



THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE  
WASHINGTON, D. C. 20201

November 4, 1977

MEMORANDUM FOR THE PRESIDENT

I recommend that you appoint Mr. Robert C. Benedict, currently the Commissioner of Pennsylvania's Office for the Aging, to the position of Commissioner of the Federal Administration on Aging (AoA). I had initially recommended Mr. Bertram Beck for the position, but he was forced to withdraw for family reasons last month. The appointment is subject to Senate confirmation.

AoA is the lead agency in the Federal Government for addressing the needs of the elderly and for coordinating the programs and policies that affect older Americans. The bulk of AoA's \$423.5 million budget is directed to state and community planning and service programs and the Nutrition Program for the Elderly.

In order to minimize the effects of the delay in making this appointment, we sought a candidate who was already familiar with AoA's operation and with the issues and advocacy groups in the field of aging. As the head of one of the largest state programs in aging for the past five years, Mr. Benedict has gained a reputation for competent management and policy formulation. He is skilled at motivating staff, moving within a bureaucracy, and relating to legislators. Moreover, through his study and subsequent work at the University of Michigan/Wayne State Institute of Gerontology, Mr. Benedict is knowledgeable about the research and training programs in the field of aging. He is also sensitive to the long-range problems facing the country as a result of the expanding elderly population.

Under Mr. Benedict's leadership, Pennsylvania has increasingly been cited as a national model for progressive service to the elderly. Mr. Benedict's program was the first among the state offices for the aging to secure monies under Title XX of the Social Security Act and to integrate them with funding from AoA and the state. This experience in negotiating the functional linkages among diverse funding sources, together with his appreciation for the interdependence of human service resources at the community level, should serve Mr. Benedict well as Federal Commissioner on Aging.

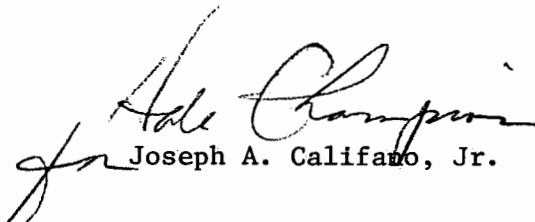
At thirty-seven, Mr. Benedict's age may be a political drawback for the Commissionership. Nevertheless, the advocacy groups in Pennsylvania are highly supportive of him, citing his responsiveness to the constituency and his personal concern for old people. The national interest groups view Mr. Benedict as solid and uncontroversial, even though some are concerned by his refusal to push for a Cabinet-level office on aging within Pennsylvania. Other state directors of programs in aging respect him. And Nelson Cruikshank, your Counselor on Aging and the Chairperson of the Federal Council on Aging, believes that he and Mr. Benedict would work together well.

While Mr. Benedict is not widely known in the Congress, none of the members with a special interest in the AoA has expressed opposition to him. Indeed, the offices of Senator Muskie and Congressman Pepper enthusiastically endorsed Mr. Benedict. Senators Randolph, Pell, Kennedy, Cranston, and Magnuson found him acceptable, as did Congressmen Ford, Perkins, and Brademas. Senator Church would have preferred William Oriol, Staff Director of the Senate Committee on Aging, but has not raised any specific objection to Mr. Benedict.

The highlights of Mr. Benedict's career are:

- Born in Bethel, Vermont, in 1940; received his B.S. at Eastern Michigan University in 1965 and his M.P.A. at the University of Michigan/Wayne State Institute of Gerontology in 1969.
- Director, Bureau for the Aging, and Commissioner, Office for the Aging, Pennsylvania Department of Public Welfare (1972 to present).
- Co-Chairperson-elect, Public Information Committee, the Gerontological Society (1977 to 1978).
- Director of Short Term Training and Director of the Residential Institute on Aging Programs, the Institute of Gerontology, University of Michigan/Wayne State (1969 to 1972).
- Staff Associate for Human Services, Michigan State Human Resources Council (1965 to 1967).
- United States Navy (1958 to 1961).

A more detailed resume is attached.

  
for Joseph A. Califano, Jr.

PROFESSIONAL VITA

Robert C. Benedict

PERSONAL DATA

Robert Clyde Benedict  
59 Oakwood Avenue  
Mechanicsburg, Pennsylvania 17055

Date of Birth: 11-29-40

Family: Married -- Joanne Marie Benedict  
Children -- Amy Marie (5), David Matthew (3)

Phone: (717) 697-8921 -- home  
(717) 787-5350 -- office

EDUCATIONAL BACKGROUND

Undergraduate: Eastern Michigan University, Ypsilanti, Michigan  
Degree: Bachelor of Science, 1965  
Majors: History and Political Science  
Minor: English Language

Graduate: The University of Michigan, Ann Arbor, Michigan  
Degree: Master of Public Administration, 1969

The University of Michigan-Wayne State University,  
Institute of Gerontology, Ann Arbor, Michigan  
Certificate: Specialist in Aging, 1969

RELATED PROFESSIONAL EXPERIENCE

The Executive Office of the Governor, Lansing, Michigan  
State Human Resources Council -- Staff Associate for Human  
Services, 1965-1967 - concentrated on Voluntary Sector Resources

The University of Michigan-Wayne State University, The Institute  
of Gerontology, Ann Arbor, Michigan -- staff associate faculty  
member, Director of Short Term Training and Director of the  
Residential Institute on Aging Program, 1969-1972

The Department of Public Welfare, Harrisburg, Pennsylvania  
Director, Bureau for the Aging and Commissioner, Office for  
the Aging, 1972 - present

Internships with: (1) The Peace Corps - Washington, D.C., 1963;  
(2) The Michigan State Legislature, 1960; and  
(3) The Pennsylvania Department of Public  
Welfare, 1970

Member of the Certification Board for Homes for the Aged  
for United Ministries of the Methodist Church, 1971-1973

Consultation for: (1) Center on Aging, Duke University;  
(2) International Center on Social Gerontology;  
(3) National Center on the Black Aging;  
(4) Institute of Gerontology - University  
of Michigan-Wayne State University;  
(5) Macy Foundation; and  
(6) National Council on Aging

#### OTHER EXPERIENCE

The United States Navy, 1958-1961

Organized and Directed the Campus Service Corps, Eastern Michigan University, a faculty and student volunteer organization, 1963-1965

Director, Low-Income Family Planning Program, Ann Arbor, Michigan  
1968-1969

#### PROFESSIONAL AFFILIATIONS

The American Society for Public Administration

The American Academy of Political and Social Science

The Gerontological Society -- Co-Chairman elect, Public  
Information Committee

The National Association of State Units on Aging

#### PUBLICATIONS AND WRITINGS

Benedict, Robert C. "The Plight of Aged Indians in America", in  
Occasional Papers in Gerontology - No. 6 (Ann Arbor: Institute  
of Gerontology, the University of Michigan), 1973.

Department of Public Welfare, Caring for Elderly Persons. A report  
prepared by the Bureau for the Aging. Harrisburg: Department  
of Public Welfare, 1973.

Benedict, Robert C. "Authority Structures: Public and Private  
Sponsorship of Senior Centers". Unpublished paper prepared  
for the National Council on Aging, Washington, D.C., 1975.

Benedict, Robert C. and Hoke, Richard R. "Toward Community Services  
for the Aging: A State Agency Perspective", in Planning  
Services for Older People: Translating Objectives into  
Effective Programs, George Maddox (ed.), (Durham: Duke University),  
1976.

Benedict, Robert C. "Trends in the Development of Services for the Aging Under the Older Americans Act". A paper delivered at the Belmont Conference, Gerontological Society, spring 1976. Publication date - 1977.

Benedict, Robert C. "State Governments and Aging Services: A Policy Perspective on the Future". A paper prepared for the National Governors Conference, Washington, D.C. Publication date - 1977.

Benedict, Robert C. "Who Should Live in Congregate Housing", a paper prepared for the International Center for Social Gerontology, Washington, D.C., publication date, 1977/78.

Benedict, Robert C. "Reauthorization of the Older Americans Act: A Case for Complete Overhaul", testimony presented to the House Select Committee on Aging. Mr. Claude Pepper, Chairman, August 3, 1977.

THE WHITE HOUSE

WASHINGTON

Date: Nov 5, 1977

MEMORANDUM

FOR ACTION:

Hamilton Jordan *amw*  
Jim Gammill

FOR INFORMATION:

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Califano memo dated 11/4 re Recommended Appointment  
of Robert C. Benedict as Commission of PA  
Office of Aging

YOUR RESPONSE MUST BE DELIVERED  
TO THE STAFF SECRETARY BY:

TIME: 11:00 AM

DAY: Tuesday

DATE: November 8, 1977

ACTION REQUESTED:

☒ Your comments

Other:

STAFF RESPONSE:

☐ I concur.

☐ No comment.

*Please note other comments below:*

**PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.**

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)

THE WHITE HOUSE  
WASHINGTON

/	FOR STAFFING
	FOR INFORMATION
	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

ACTION	FYI	
		MONDALE
		COSTANZA
		EIZENSTAT
X		JORDAN
		LIPSHUTZ
		MOORE
		POWELL
		WATSON
		McINTYRE
		SCHULTZE

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER

Comments due to  
Carp/Huron within  
48 hours; due to  
Staff Secretary  
next day

	ARAGON
	BOURNE
	BRZEZINSKI
	BUTLER
	CARP
	H. CARTER
	CLOUGH
	FALLOWS
	FIRST LADY
	HARDEN
	HUTCHESON
	JAGODA
X	GAMMILL

	KRAFT
	LINDER
	MITCHELL
	MOE
	PETERSON
	PETTIGREW
	POSTON
	PRESS
	SCHLESINGER
	SCHNEIDERS
	STRAUSS
	VOORDE
	WARREN

THE WHITE HOUSE  
WASHINGTON

11/5/77

TO. Rick Hutchinson

For Your Information: \_\_\_\_\_

For Appropriate Handling: ✓

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
  
Robert D. Linder

Date: Nov 5, 1977

MEMORANDUM

FOR ACTION:

Hamilton Jordan  
Jim Gammill

FOR INFORMATION:

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Califano memo dated 11/4 re Recommended Appointment  
of Robert C. Benedict as Commission of PA  
Office of Aging

YOUR RESPONSE MUST BE DELIVERED  
TO THE STAFF SECRETARY BY:

TIME: 11:00 AM

DAY: Tuesday

DATE: November 8, 1977

ACTION REQUESTED:

☒ Your comments

Other:

STAFF RESPONSE:

☒ I concur. *H. J.*

☐ No comment.

*Please note other comments below:*

**PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.**

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)

MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

C

INFORMATION

7 November 1977

TO: THE PRESIDENT  
FROM: RICK HUTCHESON *RH*  
SUBJECT: Memos Not Submitted

1. REX GRANUM sent you a list of your trips abroad during the time you were Governor. This has been sent to Fran Voorde for inclusion in your trip books for future foreign trips.
2. ATTORNEY GENERAL BELL sent you a memo recommending that you thank Sen. Inouye for his help in blocking a controversial candidate for U.S. Attorney in Hawaii. Frank Moore's office that you stay away from this "touchy situation."

Electrostatic Copy Made  
for Preservation Purposes

THE WHITE HOUSE

WASHINGTON

October 31, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: Rex Granum *Rex*

During Mrs. Thatcher's visit to the White House, you needed a last-minute fill-in on the dates you had last visited England during your term as Governor.

As you know, it was difficult to obtain that information quickly, and we got it to you just as your meeting with her was beginning.

Since that time, we have asked the Department of Industry and Trade for copies of your itineraries on the trade mission trips and the Trilateral Commission for the itinerary of your trip to Japan. The accompanying list was compiled from that information.

I suggest that it would be useful if the information were sent to the NSC to be included in your briefing books for the upcoming trip and subsequent ones.

\_\_\_\_\_ APPROVE

\_\_\_\_\_ DISAPPROVE

TRIPS BY GOVERNOR CARTER  
OUT OF THE UNITED STATES

1971

No foreign trips

1972

Trade Mission

April 8	Merida, Mexico
April 9/10	Mexico City, Mexico
April 11	Bogota, Colombia
April 12	Bogota, Colombia Merida, Brazil Brasilia, Brazil
April 13	Brasilia, Brazil Buenos Aires, Argentina
April 14/15	Buenos Aires, Argentina
April 16/17	Rio de Janeiro, Brazil
April 18	Rio de Janeiro, Brazil San Paulo, Brazil
April 19	San Paulo, Brazil Recife, Brazil
April 20	Recife, Brazil
April 21/22/23	San Jose, Costa Rica

1973

Trade Mission

May 14/15	London, England
May 16	London, England Cologne, Germany Bonn, Germany

1973 (con.)

May 17	Bonn, Germany Dusseldorf, Germany Heidelberg, Germany
May 18	Frankfurt, Germany Berlin, Germany
May 19	Berlin, Germany
May 20	Berlin, Germany Frankfurt, Germany Brussels, Belgium
May 21	Brussels, Belgium
May 22	Brussels, Belgium Paris, France
May 23	Paris, France
May 24	Paris, France Tel Aviv, Israel Jerusalem, Israel
May 24-29	Jerusalem, Israel
May 30	Tel Aviv, Israel London, England

1974

No foreign trips

TRILATERAL COMMISSION TRIP

1975

May 27/28	Tokyo, Japan
May 29	Tokyo, Japan Kyoto, Japan
May 30	Kyoto, Japan
May 31	Kyoto, Japan Osaka, Japan

THE WHITE HOUSE

WASHINGTON

Date: November 3, 1977

MEMORANDUM

**FOR ACTION:**

Frank Moore (Les Francis) - *attached - ~~he~~ should not go to the President*

**FOR INFORMATION:**

**FROM:** Rick Hutcheson, Staff Secretary

**SUBJECT:** A.G. memo dated 11/2/77 re U.S. Attorney, District of Hawaii and Sen. Inouye

**YOUR RESPONSE MUST BE DELIVERED  
TO THE STAFF SECRETARY BY:**

**TIME:** 12:00 Noon

**DAY:** Saturday

**DATE:** November 5, 1977

**ACTION REQUESTED:**

☒ Your comments

Other:

**STAFF RESPONSE:**

☐ I concur.

☐ No comment.

*Please note other comments below:*

**PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.**

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)

THE WHITE HOUSE  
WASHINGTON

<input checked="" type="checkbox"/>	FOR STAFFING
<input type="checkbox"/>	FOR INFORMATION
<input type="checkbox"/>	FROM PRESIDENT'S OUTBOX
<input type="checkbox"/>	LOG IN/TO PRESIDENT TODAY
<input type="checkbox"/>	IMMEDIATE TURNAROUND

ACTION	FYI	
<input type="checkbox"/>	<input type="checkbox"/>	MONDALE
<input type="checkbox"/>	<input type="checkbox"/>	COSTANZA
<input type="checkbox"/>	<input type="checkbox"/>	EIZENSTAT
<input type="checkbox"/>	<input type="checkbox"/>	JORDAN
<input type="checkbox"/>	<input type="checkbox"/>	LIPSHUTZ
<input checked="" type="checkbox"/>	<input type="checkbox"/>	MOORE
<input type="checkbox"/>	<input type="checkbox"/>	POWELL
<input type="checkbox"/>	<input type="checkbox"/>	WATSON
<input type="checkbox"/>	<input type="checkbox"/>	McINTYRE
<input type="checkbox"/>	<input type="checkbox"/>	SCHULTZE

<input type="checkbox"/>	ENROLLED BILL
<input type="checkbox"/>	AGENCY REPORT
<input type="checkbox"/>	CAB DECISION
<input type="checkbox"/>	EXECUTIVE ORDER
	Comments due to Carp/Huron within 48 hours; due to Staff Secretary next day

<input type="checkbox"/>	ARAGON
<input type="checkbox"/>	BOURNE
<input type="checkbox"/>	BRZEZINSKI
<input type="checkbox"/>	BUTLER
<input type="checkbox"/>	CARP
<input type="checkbox"/>	H. CARTER
<input type="checkbox"/>	CLOUGH
<input type="checkbox"/>	FALLOWS
<input type="checkbox"/>	FIRST LADY
<input type="checkbox"/>	HARDEN
<input type="checkbox"/>	HUTCHESON
<input type="checkbox"/>	JAGODA
<input type="checkbox"/>	GAMMILL

<input type="checkbox"/>	KRAFT
<input type="checkbox"/>	LINDER
<input type="checkbox"/>	MITCHELL
<input type="checkbox"/>	MOE
<input type="checkbox"/>	PETERSON
<input type="checkbox"/>	PETTIGREW
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<input type="checkbox"/>	PRESS
<input type="checkbox"/>	SCHLESINGER
<input type="checkbox"/>	SCHNEIDERS
<input type="checkbox"/>	STRAUSS
<input type="checkbox"/>	VOORDE
<input type="checkbox"/>	WARREN

THE WHITE HOUSE  
WASHINGTON

11/3/77

TO.

Rick Hutchinson

For Your Information: \_\_\_\_\_

For Appropriate Handling: ✓

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
  
Robert D. Linder



Office of the Attorney General  
Washington, D. C. 20530

November 2, 1977

MEMORANDUM TO THE PRESIDENT

RE: United States Attorney, District of Hawaii

This is to advise you of the help and cooperation given us by Senator Inouye on the above appointment, for which you might want to thank him when a convenient opportunity arises.

Last spring, Senator Matsunaga recommended to us the name of Robert Kimura for this appointment. The FBI check brought forth a number of problems, including allegations of ties by Mr. Kimura with leading organized crime figures in Hawaii. Opposition to Kimura's appointment was strenuous and virtually unanimous among law enforcement people in Hawaii. Nonetheless, Senator Matsunaga has pushed hard for the appointment, and it appeared for a time that he might appeal directly to you on the matter.

Senator Inouye has intervened to persuade Kimura to withdraw as a candidate and will be furnishing us another name shortly. He has further said that he would immediately withdraw the candidate if we had doubts about the qualifications of the individual he recommends. Senator Inouye's cooperation has enabled us to end gracefully a matter which seemed certain to result in a confrontation with the other Senator and continuing uncertainty about the U.S. Attorney's office in Honolulu. I will be expressing my gratitude to Senator Inouye, and I hope that you will want to do the same.

*Griffin B. Bell*

Griffin B. Bell  
Attorney General

Date: November 3, 1977

MEMORANDUM

FOR ACTION:

Frank Moore (Les Francis)

FOR INFORMATION:

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: A.G. memo dated 11/2/77 re U.S. Attorney, District  
of Hawaii and Sen. Inouye

YOUR RESPONSE MUST BE DELIVERED  
TO THE STAFF SECRETARY BY:

TIME: 12:00 Noon

DAY: Saturday

DATE: November 5, 1977

ACTION REQUESTED:

☒ Your comments

Other:

STAFF RESPONSE:

☐ I concur.

☐ No comment.

Please note other comments below:

Our recommendation is that  
the White House — but most especially  
the President — ought to stay away from  
this one. Our involvement would only escalate  
an already touchy situation. If the AG  
wants to thank Inouye — great, but the  
President ought not say anything.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required  
material, please telephone the Staff Secretary immediately. (Telephone, 7052)

Les Francis for  
Frank Moore

Mali-  
make sure  
Take Thomson  
comment. This SL-  
could be touchy - Ronna  
given Hawaii  
politics.  
LS

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE  
WASHINGTON

November 7, 1977

*done*  
*J*

MEMORANDUM TO THE PRESIDENT

From: Hamilton Jordan *H.J.*

Re: Additional Information on Panama Meeting Today

Senator Gravel's office has requested that as you leave the meeting today, you pause for three or four minutes to talk with the Senator. (He will be seated on the side of the State Dining Room that you enter).

While the two of you are talking, Senator Gravel's film crew will be filming you. The film is to be shown in Alaska as the Senator's report to his constituents.

We will make sure the film crew is positioned with the Senator.

**Electrostatic Copy Made  
for Preservation Purposes**

*Jordan Comment*

Electrostatic Copy Made  
for Preservation Purposes

3:45 A.M.

THE WHITE HOUSE  
WASHINGTON

November 5, 1977

STATE BRIEFINGS ON PANAMA CANAL TREATIES

Monday, November 7, 1977  
3:45 P.M. (15 minutes)  
The State Dining Room

From: Hamilton Jordan <sup>HJ</sup>

I. PURPOSE

To motivate a grass-roots effort among public opinion leaders to support a treaty ratification.

II. BACKGROUND, PARTICIPANTS & PRESS PLAN

- A. Background: As of today's briefing, the ninth for state leaders, we will have briefed citizens from 25 states.
- B. Participants: Leading citizens from Alaska, Rhode Island, and Missouri are guests at today's briefing. All 6 Senators helped us to compile the invitation list: Senator Stevens (R-Ak), Gravel (D-Ak), Pell (D-RI), Chafee (R-RI), Eagleton (D-Mo), and Danforth (R-Mo).
- C. Press Plan: No press coverage. A film crew for Sen. Gravel may film a few minutes of your presentation.

III. TALKING POINTS

The same presentation you have given at the previous briefings will be appropriate here.

attachments:

agenda  
list of invitees

**AGENDA**

**MONDAY, NOVEMBER 7, 1977**

<b>2:00 P.M.</b>	<b>Welcome</b>	<b>Ambler Moss Deputy Assistant Secretary of State</b>
<b>2:10 P.M.</b>	<b>Description of Treaties</b>	<b>Ambassador Sol Linowitz</b>
<b>2:50 P.M.</b>	<b>Break</b>	
<b>3:15 P.M.</b>	<b>National Security View</b>	<b>Mr. Charles Duncan Deputy Secretary of Defense  and  Gen. George Brown Chairman, Joint Chiefs of Staff</b>
<b>3:45 P.M.</b>	<b>Remarks</b>	<b>President Carter</b>

GUEST LIST FROM ALASKA

George M. Sullivan  
Mayor of Anchorage

Al Swalling  
Businessman  
Anchorage

Lee Fisher  
Accountant  
Anchorage

Ira Walker  
Businessman  
Anchorage

John Colberg  
Native Corporation  
Executive  
Anchorage

Walt Turrell  
Alyeska Pipeline  
Anchorage

Ben Agee  
President, RCA

Roy Dunn  
APEA  
Juneau

Arnold Espe  
Vice President  
Pacific Bank  
Anchorage

Stanley Abbott  
Editor, Anchorage  
Daily News

Chuck Jensen  
Midnight Sun Broadcasters  
Ketchikan

Joe Josephson  
Anchorage

Francine Lastufka  
Anchorage

Thad Paulson  
Sitka Sentinel

Bob Penney  
Businessman

Roy Roehl  
President  
Chugiak Natives  
Anchorage

Jinx Ring  
World Affairs Council  
Anchorage

Jerry Smetzer  
Fairbanks Town and Village  
Association  
Fairbanks

Tom Snapp  
All Alaska Weekly  
Fairbanks

Guy Stringham  
Alaska District Council  
of Laborers  
Anchorage

Walter Szcudlo  
President Arctic First Federal

Gordon Evans  
State Democratic Chair  
Juneau

Heida Boucher  
Sen. Gravel's staff

Timothy McKeever  
Sen. Stevens' staff

Rebecca Gernhardt  
Sen. Stevens' staff

Lt. Gov. Lowell Thomas

Douglas Riggs  
representing Gov. Hammond

GUEST LIST FROM MISSOURI

Leroy C. Kuhn  
Commander, Veterans of  
Foreign Wars  
Kansas City

Curly Rogers  
Teamsters Union  
Kansas City

Don Waterman  
Central Labor Council  
Kansas City

Fred Heinkel  
Midcontinent Farmers Assn.  
Columbia

Jim Meyers  
Labor Council  
St. Louis

Dick Mantia  
Building & Construction  
Trades Council  
St. Louis

Rev. John Doggett  
Chesterfield

James Lawrence  
Asst. Ed. Page Ed.  
St. Louis Post Dispatch

Ed O'Brien  
Washington Correspondent  
St. Louis Globe-Democrat

David R. Bradley, Jr.  
Editor  
St. Joseph News-Press  
and Gazette

Robert Hardy  
KMOX Radio  
St. Louis

Mrs. William C. Tucker  
Warrensburg Daily Star  
Journal

Robert M. White II  
Publisher  
The Mexico Ledger

Charles M. Blanton III  
Publisher  
Sikeston Daily Standard

Pete Steiner  
Publisher  
Vandalia Leader-Press

Dr. Eugene Mitchell  
St. Louis Argus

Howard Etling  
General Manager  
St. Louis Suburban Newspapers

James Donnelly  
Donnelly Publications  
St. Louis

Jim Spain  
Bloomfield

George Rea  
Kansas City

Mark Abels  
Sen. Eagleton's staff

Ann Procter  
Sen. Eagleton's staff  
Mark Edelman  
Sen. Danforth's staff

Jim Nutter  
Kansas City

Gary Smith

GUEST LIST FROM RHODE ISLAND

Senator John Pastore  
Providence

The Honorable Frederick Lippitt  
Minority Leader  
House of Representatives  
Providence

The Honorable Lila M. Sapinsley  
Minority Leader  
Senate  
Providence

Adrien Nadeau  
Taft-Pierce Manufacturing Co.  
Woonsocket

Morton Smith  
President, Morton Smith, Inc.  
Providence

Ralph P. Benn  
Chairman of the Board  
Leesona Corporation  
Warwick

John Watkins  
Editor & Publisher  
Providence Journal

Henry Woodbridge, Jr.  
President Hospital Trust  
National Bank  
Providence

Herman Selya  
Senior Vice President  
Jewish Federation of R.I.

Frank Newman  
President  
University of R. I.  
Kingston

Michael VanLeeston  
Executive Director  
Opportunities Industrialization  
Center  
Providence

Errol Hunt  
Executive Director  
Urban League of R.I.

Sheila Cabral Sousa  
Providence

Frederic J. Wilson, Sr.  
Publisher  
The Narragansett Times  
Wakefield

Joseph Sinclair  
President  
The Outlet Company

Charles Utter  
Publisher  
Westerly Sun

Marjorie Vinal  
former president  
R.I. World Affairs Council

Joan Rizzo  
League of Women Voters

Victoria Lederberg  
State Representative

Ronald DiOrio  
President, R.I. NEA

Leo Caisse  
Democratic Town Chairman

Brian Dickinson  
Editorial Writer  
Providence Journal

Edward McElroy  
President, R.I. AFL-CIO

The Honorable John D'Amico  
State Senator

Alan Guimond  
Rhode Island Fishermen and  
Lobstermen

William Viherek, Sr.  
R.I. American Legion

Alexander Hylek  
R.I. Teamsters Union

RHODE ISLAND -- PAGE 2

Mrs. Charles Reilly

William Dugan, Jr.  
Exec. Asst. to Gov. Garrahy

Robert Rahill  
Exec. Asst. to Governor Garrahy  
for Policy

Robert Liguori  
representing Gov. Garrahy

Lee Verstandig  
Sen. Chafee's staff

Edmund Hawley  
Sen. Chafee's staff

THE WHITE HOUSE  
WASHINGTON

11-6-77

Scrap -

Coal conversion - Wed

Autos -

18 1/2 M BDD - 1/2 boilers

42% Autos

Coal - SO<sub>2</sub> pub

Saudi → strategic oil

— PRC

> SU - Jackson amend

— M.d East - Conf won't fly

> Cruise missile - Definition

Panama - will help

SPAT - Sam / Scorp / Pele

11:45 A.M

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

**Electrostatic Copy Made  
for Preservation Purposes**

November 4, 1977

C  
—

MEMORANDUM FOR THE PRESIDENT

FROM:

Peter Bourne

P.B.

SUBJECT:

Strategy Council Meeting - Background

The Drug Abuse Office and Treatment Act of 1972 created a Cabinet level Strategy Council to develop a comprehensive coordinated long-term strategy for all drug abuse prevention and drug trafficking functions of the Federal Government. The membership mandated by law includes the Director of the Office of Drug Abuse Policy, the Attorney General, the Secretaries of State, Defense, and Health, Education, and Welfare, and the Administrator of Veterans Affairs, and no fewer than three persons from the private sector. Much Congressional criticism has been directed at the fact that the Council has not met for five years. You called for its revitalization at the time ODAP was established and you added the Secretary of the Treasury and the Director of OMB to its membership. The law further mandates that a written strategy be prepared annually by the Council to set forth the nature and extent of the drug abuse problem, and to review past progress and set forth future directions for the program. In the past this report has been prepared by staff and has been the major annual policy statement of the program with virtually no involvement by the Council. A commitment to actively use the Council was a major part of our rationale before the Congress in justifying the phase out of the Office of Drug Abuse Policy as part of Reorganization Plan #1. We have been under considerable pressure recently from the Congress to hold a meeting of the Council.

You will chair the meeting on November 7. The meeting's purpose is to (1) formally convene the group, (2) have the Cabinet Officers report back to you on their progress in implementing the specific directives in your August 2 Message to Congress on Drug Abuse, and (3) to reinforce your commitment to the drug program even though the Office of Drug Abuse Policy will be phased out as per Reorganization Plan #1. It will also provide a forum for you to stress and take credit for the success of the drug effort during this first year of your administration on which we can obtain positive press.

Attached is a detailed agenda for your portion of the meeting as well as a list of the Council's members and a synopsis of its legislative mandate, and a copy of your message to the Congress.

AGENDA

## STRATEGY COUNCIL MEETING AGENDA

1. Swearing-in of members from outside the government by the Vice-President.
2. Depending on timing, Peter Bourne will chair the meeting until your arrival and after your departure.
3. 11:45-President arrives(Press pool present first two minutes). You make general comments touching on the following points:
  - (a) The importance of the role of the Strategy Council in developing thrust of the Administration for long-term policy and strategy. Day to day coordination of drug abuse functions will remain the responsibility of Peter Bourne.
  - (b) Congratulate agencies for a job well done over the past nine months. Heroin purity lowest in seven years, heroin price up 25% since last fall. Heroin deaths down 37% (first quarter 1977 compared to first quarter 1976). National Crime Index down 7% (first half 1977 compared to first half 1976). This is a major success story for the Administration for which you should take full credit.
  - (c) Commend Justice-HEW for their initiatives in dealing with barbiturate problem. HEW for barbiturate study just completed (NIDA) and Justice (DEA) for programs dealing with overprescribing by physicians and unethical pharmacists.
  - (d) Commend Treasury (Customs Service) and Justice (DEA) on their movement toward reaching agreement to resolve long-standing conflicts and improving cooperation. They should understand your expectation that they reach a new written agreement at the earliest possible time.
  - (e) Emphasize the international nature of the problem and your support for both U.N. involvement, the use of AID funds and our influencing international financial institutions in programs that would assist agricultural and other development projects in countries that are major producers and traffickers of illicit drugs, when they act to eliminate production.
  - (f) Reinforce the importance of jobs and other health and social services that need to be made available to drug abusers receiving treatment noting that you expect efforts to be made to assure that drug abusers have access to such programs. We can no longer afford to have fragmented programs which do not address the

problem in the context of the "whole person", his family, and the community in which he lives.

- (g) Drug abuse should be a major part of the crime message now being prepared. We need to concentrate both on identifying heroin addicts in the criminal justice system and providing specialized treatment and rehabilitation services. We also need to provide more effective tools for law enforcement to immobilize major traffickers. The Attorney General should give this special attention in drafting the crime message and in following through some of the specific suggestions that you made in your August 2 drug message on more effective law enforcement.
  - (h) For HEW -- Special consideration needs to be given to how drug and alcohol abusers will be accommodated in any national health insurance plan.
  - (i) Express your appreciation for the reorganization and policy review studies which ODAP has conducted in conjunction with the various agencies. Copies of the report of the Border Management Study have been distributed. Six additional studies will be completed by the end of the year.
  - (j) For OMB -- Request that a special budget analysis be developed of the federal drug activities in coordination with the Office of Drug Abuse Policy. This would help to tie together the many different agencies and programs which have an impact on this problem, ensure that they are appropriately identified and coordinated, and see that sufficient resources are available to get the job done.
  - (k) Recognize the impressive talent and expertise of the outside membership and direct me to form appropriate work groups to address significant issues and to develop the Federal Strategy by June 1978.
4. Request reports to you on progress toward goals established in the President's drug message from the following members:
- (a) Secretary of State
  - (b) Secretary of the Treasury
  - (c) Attorney General
  - (d) Secretary of Health, Education, and Welfare
  - (e) Director of the Office of Drug Abuse Policy
5. 12:00 Noon-President departs. Peter Bourne concludes meeting with administrative items.

MEMBERSHIP AND  
LEGISLATIVE MANDATE

## STRATEGY COUNCIL

21 U.S.C. 1161 requires the President to direct the development of a comprehensive, coordinated long-term strategy for all drug abuse prevention and drug traffic prevention functions of the Federal Government. To develop the strategy, the President has established the Strategy Council required by law, and composed of the following:

SECRETARY VANCE  
SECRETARY BROWN  
SECRETARY BLUMENTHAL  
ATTORNEY GENERAL BELL  
SECRETARY CALIFANO  
DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET  
MAX CLELAND - Administrator of Veterans Affairs  
MILTON BRYANT - Atlanta Surgeon - Campaign Physician  
VERNON JORDAN - Executive Director, National Urban League  
JOYCE LOWENSON - Director, Drug Treatment Program and  
Associate Professor, Albert Einstein  
School of Medicine  
DAVID MUSTO - Psychiatrist, Historian, Humanist, Yale  
HARVEY SLOANE - Mayor of Louisville, Kentucky  
PETER BOURNE - Executive Director  
CHARLES O'KEEFE - Advisor to Peter Bourne

The strategy developed by the Council is required by law to contain:

- (1) An analysis of the nature, character, and extent of the drug abuse problem in the United States;
- (2) A comprehensive Federal plan which shall specify the objectives of the Federal Strategy and how all available resources authorized under relevant Federal law should be used; and,
- (3) An analysis and evaluation of the major programs conducted, expenditures made, results achieved, plans developed, and problems encountered in the operation and coordination of the various Federal drug abuse prevention functions and drug traffic prevention functions.

To facilitate the preparation of the strategy, the Council is mandated by law to:

- (1) Engage in the planning necessary to achieve the objectives of a comprehensive, coordinated long-term Federal strategy, including examination of the overall Federal investment to combat drug abuse;

(2) At the request of any member, require Departments and agencies engaged in Federal drug abuse prevention functions and drug traffic prevention functions to submit such information and reports and to conduct such studies and surveys as are necessary to carry out the purposes of the National Drug Abuse Strategy; and,

(3) Evaluate the performance and results achieved by Federal drug abuse prevention functions and drug traffic prevention functions and the prospective performance and results that might be achieved by programs and activities in addition to or in lieu of those currently being administered.

21 U.S.C. 1165 requires that the strategy shall be reviewed, revised as necessary, and promulgated as revised prior to June 1 of each year.

AUGUST 2, 1977

DRUG MESSAGE TO THE CONGRESS

MESSAGE  
*D*

## Office of the White House Press Secretary

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THE WHITE HOUSE

## TO THE CONGRESS OF THE UNITED STATES:

Drug abuse continues to be a serious social problem in America. The lives of hundreds of thousands of people are blighted by their dependence on drugs. Many communities remain unsafe because of drug-related street crime, and the immense profits made in the illicit drug traffic help support the power and influence of organized crime. Among young American men aged 18-24 years, drugs are the fourth most common cause of death: only automobile accidents, homicides, and suicides rank higher. The estimated cost of drug abuse in America exceeds 15 billion dollars each year. Among some minority groups, the incidence of addiction and the harm it inflicts are disproportionate.

Drug addiction, which in recent years was viewed as a problem peculiar to America, now affects people throughout the world. We can no longer concern ourselves merely with keeping illicit drugs out of the United States, but we must join with other nations to deal with this global problem by combatting drug traffickers and sharing our knowledge and resources to help treat addiction wherever it occurs. We must set realistic objectives, giving our foremost attention domestically to those drugs that pose the greatest threat to health, and to our ability to reduce crime. Since heroin, barbiturates and other sedative/hypnotic drugs account for 90 percent of the deaths from drug abuse, they should receive our principal emphasis.

My goals are to discourage all drug abuse in America - and also discourage the excessive use of alcohol and tobacco - and to reduce to a minimum the harm drug abuse causes when it does occur. To achieve these goals with the resources available, effective management and direction are essential. Because the federal effort is currently divided among more than twenty different, and often competing, agencies, I have directed my staff to coordinate Federal action and to formulate a comprehensive national policy. This will end the long-standing fragmentation among our international programs, drug law enforcement, treatment and rehabilitation, prevention, and regulatory activities. I will also seek the counsel and active involvement of members of the Cabinet and heads of major independent agencies on all drug abuse policy questions, through a revitalized Strategy Council on Drug Abuse. My staff will examine the functions of the various agencies involved in this field and will recommend to me whatever organizational changes are appropriate.

International Cooperation

For certain drugs originally derived from plant sources outside the United States, especially heroin and cocaine, diplomatic agreements against cultivation and trafficking are indispensable. Turkey -- once virtually the sole source of heroin supply in this country -- is now gone from the

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illicit market as the result of such an agreement. The enormous profits generated by the illicit drug traffic distort the economies of many smaller countries, aggravating inflation and draining tax revenues; they also engender corruption and corrode political stability. We must work closely with other governments to assist them in their efforts to eradicate the cultivation of drugs, and to develop legitimate alternative sources of income for the impoverished farmers who have for generations raised and sold crops such as opium.

We have made significant progress in the last few months. In February, I discussed with President Lopez-Portillo of Mexico my deep concern about the illegal cultivation of opium in his country. Under his strong leadership, the eradication program has been intensified and is producing dramatic results, significantly reducing the availability of heroin in many American cities. In addition, President Ne Win of Burma and Prime Minister Thanin of Thailand have shown a resolute determination to control drug cultivation and trafficking in their countries. Most recently I have received strong assurances from President Lopez-Michelsen of Colombia that he plans to give the problem of drug trafficking his highest priority. We are establishing a commission made up of government officials from our two countries to coordinate a stepped up effort to deal with the major international trafficking of cocaine and marihuana between our two countries, and the devastating economic impact of that traffic.

As a result of these efforts and those of the Drug Enforcement Administration, the purity of heroin in our country has dropped in the last six months to 4.9%, the lowest level in 4 years.

There is, however, more that we can do:

- (1) I am directing the Secretary of State to give greater emphasis to the international narcotics control program and to reiterate to foreign governments our strong desire to curtail production of, and traffic in, illicit drugs.
- (2) To this end, I am directing the Administrator of the Agency for International Development to include such measures as crop and income substitution in its development programs for those countries where drugs are grown illicitly. I expect the Secretary of State to continue to call on other agencies and departments, such as the Drug Enforcement Administration, the U.S. Customs Service, the U.S. Department of Agriculture, and the National Institute on Drug Abuse, to assist in the international narcotics control program according to the special expertise of each.
- (3) I am directing the intelligence community to emphasize the collection and analysis of information relating to international drug trafficking.
- (4) I strongly support the work of the United Nations Fund for Drug Abuse Control (UNFDAC), the United Nations Commission on Narcotic Drugs, the International Narcotics Control Board, the World Health Organization, and other organizations working within the framework of the United Nations in their efforts to help drug-producing countries find alternate crops, improve drug control measures, and make treatment resources available.

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- (5) I am instructing the United States representatives to the loan committees of the Regional Development Banks and other international financial institutions to use their votes and influence to encourage well designed rural development and income substitution projects in countries which now produce dangerous drugs, and to ensure that assistance is not used to foster the growth of crops like opium and coca.
- (6) Because of the need to improve international controls over dangerous drugs which have legitimate medical uses, like barbiturates and amphetamines, I urge the Congress to adopt legislation implementing the Convention on Psychotropic Substances, and I urge the Senate to ratify this treaty promptly.
- (7) In my communications with foreign leaders, I will emphasize international cooperation among drug law enforcement agencies, so that intelligence and technical expertise can be shared. I will encourage them to send law enforcement officials to work with us to stop the flow of drugs through other countries. This kind of cooperation has already begun in Bangkok among French, German, British, Dutch, American and Thai officials.

I will, in addition, promote the international sharing of knowledge and expertise in the treatment of drug abuse. We will make a special effort to share our experience, especially with those nations which have serious drug problems and which are working with us in the effort to control drug sources and prevent drug abuse. Our program will encompass training, research and technical assistance projects, including providing American experts as consultants.

#### Law Enforcement

We must vigorously enforce our laws against those who traffic in drugs, so that the attraction of large profits is outweighed by the risk of detection and the likelihood of conviction. The Federal Government's job is to deter, and where possible prevent entirely, illegal importation and major trafficking of controlled substances. Often large-scale financiers of the illegal drug trade never come into direct contact with drugs. Through the cooperative efforts of the various agencies involved, we will attack the financial resources of these traffickers who provide the capital needed to support the smuggling of drugs into the country. Drug traffickers must understand that they face swift, certain, and severe punishment; and our law enforcement and judicial systems must have the resources to make this prospect a very real threat. We must allocate our resources intelligently, revise our penalty structure where necessary to concentrate on the actions (and the drugs) that are most dangerous, and improve the administration of justice.

Therefore:

I am directing the Attorney General to intensify investigations of the link between organized crime and the drug traffic, and to recommend appropriate measures to be taken against these organizations.

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(OVER)

. I am directing the Department of Justice in conjunction with the Departments of State and Treasury to study arrangements with other countries, consistent with Constitutional principles, to revoke the passports of known major traffickers, and to freeze assets accumulated in the illegal drug traffic.

. To ease the burden on the United States District Courts, which must hear major drug cases, I support legislation widening the jurisdiction of U.S. Magistrates under certain circumstances to include misdemeanor offenses which carry sentences of up to one year.

. In 18 United States Attorneys' Offices, special units devoted to the prosecution of major drug traffickers exist. The Department of Justice is now expanding this program to include additional units.

. I support legislation raising from \$2,500 to \$10,000 the value of property which can be seized and forfeited from drug violators by administrative action, including cash within the definition of seizable property. Amounts above this figure will continue to require court proceedings.

. I am directing my staff to recommend to me the appropriate Federal drug law enforcement role in the light of currently available resources -- state, local and Federal. For nearly a decade, Federal support of state and local enforcement activity has steadily expanded. The time is ripe to evaluate the results of this effort, to determine whether federal participation should be altered, and to determine the proper division of responsibility between Federal and local officials. The Office of Drug Abuse Policy has already begun the first phase of this review, which includes consideration of border security and drug trafficking intelligence.

. I am directing the Attorney General to study the necessity for and constitutionality of proposals which would deny pre-trial release to certain persons charged with trafficking in drugs posing the greatest threat to health, and to give me his recommendations within 90 days. At the present time, some persons charged with major drug offenses can use their immense wealth to post bail and escape justice. If enactment of such proposals appears to be necessary and constitutional, their application should be tightly restricted and they should include a provision granting the accused an expedited trial.

. I am directing the Attorney General to review the adequacy of the penalties for major trafficking offenses and to give me his recommendations within 90 days.

. I also have considered requesting changes in the Tax Reform Act of 1976. Some of its provisions -- such as those for disclosure and summoning -- were designed to protect the privacy of citizens but may also impede unnecessarily the investigation of narcotics trafficking cases. I am asking the appropriate Federal agencies to determine the difficulties these provisions present to effective law enforcement. If it appears they can be amended to improve law enforcement without infringing upon legitimate privacy interests, I will submit legislation to the Congress.

## Marihuana

Marihuana continues to be an emotional and controversial issue. After four decades, efforts to discourage its use with stringent laws have still not been successful. More than 45 million Americans have tried marihuana and an estimated 11 million are regular users.

Penalties against possession of a drug should not be more damaging to an individual than the use of the drug itself; and where they are, they should be changed. Nowhere is this more clear than in the laws against possession of marihuana in private for personal use. We can, and should, continue to discourage the use of marihuana, but this can be done without defining the smoker as a criminal. States which have already removed criminal penalties for marihuana use, like Oregon and California, have not noted any significant increase in marihuana smoking. The National Commission on Marihuana and Drug Abuse concluded five years ago that marihuana use should be decriminalized, and I believe it is time to implement those basic recommendations.

Therefore, I support legislation amending Federal law to eliminate all Federal criminal penalties for the possession of up to one ounce of marihuana. This decriminalization is not legalization. It means only that the Federal penalty for possession would be reduced and a person would receive a fine rather than a criminal penalty. Federal penalties for trafficking would remain in force and the states would remain free to adopt whatever laws they wish concerning the marihuana smoker.

I am especially concerned about the increasing levels of marihuana use, which may be particularly destructive to our youth. While there is certain evidence to date showing that the medical damage from marihuana use may be limited, we should be concerned that chronic intoxication with marihuana or any other drug may deplete productivity, causing people to lose interest in their social environment, their future, and other more constructive ways of filling their free time. In addition, driving while under the influence of marihuana can be very hazardous. I am, therefore, directing the Department of Transportation to expedite its study of the effects of marihuana use on the coordination and reflexes needed for safe driving.

## Drug Treatment

My immediate objective will be to widen the scope and improve the effectiveness of Federal drug treatment programs. In conception and in practice, they have been too narrow. Drug addiction can be cured; but we must not only treat the immediate effects of the drugs, we must also provide adequate rehabilitation, including job training, to help the addict regain a productive role in society. In the past, Federal programs have given disproportionate attention to the heroin addict while neglecting those who are dependent on other drugs.

To improve the quality of Federal drug treatment, I am recommending these steps:

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. In recognition of the devastating effects that certain nonopiate drugs can have if abused, I am directing the Secretary of Health, Education, and Welfare to expand resources devoted to care for abusers of barbiturates, amphetamines, and multiple drugs used in combination, including alcohol.

. To help drug abusers return to productive lives, I am directing the Secretary of Labor to identify all Federal employment assistance programs which can help former drug abusers and to give me, within 120 days, his recommendations for increasing the access of drug abusers to them.

. A sustained effort must be made to identify the reasons that people turn to drugs, including alcohol and cigarettes. We should seek more effective ways to make people aware of the health problems associated with such substances (particularly cigarettes and alcohol) and to respond in more constructive ways to the human and psychological needs they satisfy.

#### Drug Research

In the past, there has been no serious attempt to coordinate Federal research on opiates and alcohol despite the many similarities in the effects of these two drugs. A joint Federal research center might not only save money, but also lead to greater scientific understanding of addiction problems. Therefore I am directing the Secretary of Health, Education, and Welfare to study the feasibility of making the Addiction Research Center responsible for coordinated research on a variety of drugs, including opiates, alcohol, and tobacco.

#### Administrative Action

Improved treatment and prevention programs should be accompanied by appropriate changes in Federal regulations, administrative practices, and enforcement, among which are these:

. First, I am recommending a conscious and deliberate increase in attention throughout the Federal Government to the problems related to the abuse of drugs that come originally from legitimate medical sources. Of particular concern are barbiturates, which despite their recognized medical use, are responsible for many deaths and are frequently used in suicide attempts. The withdrawal reaction of patients addicted to barbiturates can be more difficult and more dangerous than that associated with heroin withdrawal. They are frequently oversold, overprescribed, and overused.

Therefore, I will:

-- Instruct the Secretary of Health, Education, and Welfare to undertake a study of barbiturates and other sedative/hypnotic drugs to determine the conditions under which they can be most safely used.

-- Instruct the Secretary of Defense, the Secretary of Health, Education, and Welfare, and the Administrator of Veterans' Affairs to review the prescribing practices of physicians under their jurisdiction, and to discourage the medical use of barbiturates and sedative/hypnotics except in cases where it is unmistakably justified.

-- Continue the program, already begun at my direction, by which the Drug Enforcement Administration has instructed its regional offices and regulatory task forces to give priority attention to barbiturate cases. DEA has also begun to investigate the "street" market in order to determine the source of illegal supplies so that suitable Federal action may be taken. In the near future, DEA will conduct a special accelerated audit of the 120 companies lawfully manufacturing barbiturates in this country and will also notify foreign governments of our desire to see them control their barbiturate exports strictly.

. Second, I am directing the Secretary of Health, Education, and Welfare to review those sedative/hypnotic drugs particularly subject to abuse to determine whether any should be removed from the market, taking into consideration not only their safety to the individual but also the dangers they pose to the public at large.

. Third, I support legislation giving the Food & Drug Administration the authority to apply standards of safety and efficacy to all drugs, by repealing those laws which exempt a variety of drugs because they were placed on the market before a certain date. A number of barbiturates fit into this category.

. Fourth, Some physicians still knowingly overprescribe a wide variety of drugs. Although, as a result of careful education, physicians have voluntarily reduced their prescriptions for barbiturates by 73 percent during the last five years, a few are continuing to misprescribe these and other drugs deliberately. I am directing the Attorney General, in full cooperation with State officials, to begin a concerted drive to identify and prosecute these violators.

No government can completely protect its citizens from all harm -- not by legislation, or by regulation, or by medicine, or by advice. Drugs cannot be forced out of existence; they will be with us for as long as people find in them the relief or satisfaction they desire. But the harm caused by drug abuse can be reduced. We cannot talk in absolutes -- that drug abuse will cease, that no more illegal drugs will cross our borders -- because if we are honest with ourselves we know that is beyond our power. But we can bring together the resources of the Federal Government intelligently to protect our society and help those who suffer. The sufferers include the overwhelming majority of the public who never abuse drugs but for whom drug abuse poses the threat of broken families, a lost child or fear to walk the streets at night. Beyond that, we must understand why people seek the experience of drugs, and address ourselves to those reasons. For it is ultimately the strength of the American people, of our values and our society, that will determine whether we can put an end to drug abuse.

JIMMY CARTER

THE WHITE HOUSE,  
August 2, 1977.

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THE WHITE HOUSE  
WASHINGTON  
November 7, 1977

Bob Lipshutz

The attached was returned in the President's outbox today and is forwarded to you for your information. The signed original has been given to Bob Linder for appropriate handling.

Rick Hutcheson

cc: Bob Linder

RE: LETTER TO JOSEPH D. TYDINGS  
ON D.C. JUDGE NOMINATING  
PANEL

THE WHITE HOUSE  
WASHINGTON

	FOR STAFFING
	FOR INFORMATION
/	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

ACTION	FYI	
		MONDALE
		COSTANZA
		EIZENSTAT
		JORDAN
/		LIPSHUTZ
		MOORE
		POWELL
		WATSON
		McINTYRE
		SCHULTZE

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER

Comments due to  
Carp/Huron within  
48 hours; due to  
Staff Secretary  
next day

	ARAGON
	BOURNE
	BRZEZINSKI
	BUTLER
	CARP
	H. CARTER
	CLOUGH
	FALLOWS
	FIRST LADY
	HARDEN
	HUTCHESON
	JAGODA
	GAMMILL

	KRAFT
	LINDER
	MITCHELL
	MOE
	PETERSON
	PETTIGREW
	POSTON
	PRESS
	SCHLESINGER
	SCHNEIDERS
	STRAUSS
	VOORDE
	WARREN

THE WHITE HOUSE

WASHINGTON

November 4, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: Bob Lipshutz *BL*

SUBJECT: Proposed Letter to the Chairman to Set in Motion  
the District of Columbia Judge Nominating Panel

Attached is a proposed letter from you to Joseph D. Tydings  
which has been prepared by the Attorney General.

I recommend that you approve and sign this letter.

\_\_\_\_\_ Approve

\_\_\_\_\_ Disapprove

THE WHITE HOUSE

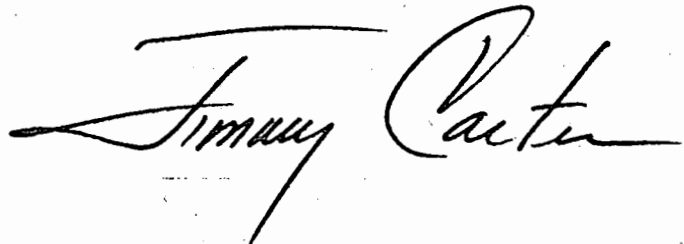
WASHINGTON

To Joseph Tydings

I wish to congratulate you on your previous efforts as Chairman of the United States Circuit Judge Nominating Panel for the District of Columbia, and to express my appreciation that you have agreed to continue in that capacity. The membership of your Panel remains unchanged.

The retirement of the Honorable John J. Sirica on October 31, 1977, has created a vacancy on that Court, and the retirement of the Honorable Howard J. Corcoran on November 30, 1977, will create a second vacancy. I am requesting the assistance of your Panel in aid of my responsibility and discretion under Article II of the United States Constitution to select nominees to fill these vacancies. I would appreciate your reporting to me, as soon as possible but in no event later than sixty days after your receipt of this letter, the names of seven persons whom your Panel deems well qualified to fill these vacancies.

Sincerely,

A handwritten signature in dark ink, reading "Jimmy Carter". The signature is fluid and cursive, with a large, sweeping "C" for "Carter".

The Honorable Joseph D. Tydings  
Danzansky, Dickey, Tydings,  
Quint & Gordon  
1120 Connecticut Avenue, N.W.  
Washington, D.C. 20036

THE WHITE HOUSE  
WASHINGTON

November 7, 1977

Stu Eizenstat

The attached was returned in  
the President's outbox. It is  
forwarded to you for appropriate  
handling.

Rick Hutcheson

DOMESTIC POLICY STAFF WEEKLY STATUS  
REPORT

THE WHITE HOUSE  
WASHINGTON

	FOR STAFFING
	FOR INFORMATION
/	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

ACTION  
FYI

	MONDALE
	COSTANZA
/	EIZENSTAT
	JORDAN
	LIPSHUTZ
	MOORE
	POWELL
	WATSON
	McINTYRE
	SCHULTZE

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER

Comments due to  
Carp/Huron within  
48 hours; due to  
Staff Secretary  
next day

	ARAGON
	BOURNE
	BRZEZINSKI
	BUTLER
	CARP
	H. CARTER
	CLOUGH
	FALLOWS
	FIRST LADY
/	HARDEN
	HUTCHESON
	JAGODA
	GAMMILL

	KRAFT
	LINDER
	MITCHELL
	MOE
	PETERSON
	PETTIGREW
	POSTON
	PRESS
	SCHLESINGER
	SCHNEIDERS
	STRAUSS
	VOORDE
	WARREN

Electrostatic Copy Made  
for Preservation Purposes

THE PRESIDENT HAS SEEN,  
THE WHITE HOUSE  
WASHINGTON

November 4, 1977

MEMORANDUM FOR: THE PRESIDENT  
FROM: STU EIZENSTAT *Stu*  
SUBJECT: Domestic Policy Staff Weekly Status Report

COMMUNICATIONS

Public Broadcasting: We are discussing the bill with a wide variety of groups to seek their support. There will be no legislative action until January.

Minority Ownership: We are completing work on a package of steps to increase minority ownership of radio and TV outlets and will have a report to you shortly.

OPENNESS AND INTEGRITY IN GOVERNMENT

Lobby Law Reform: House mark-up and Senate hearings will be held in January. We continue to work on policy amendments and legislative strategy with Frank's staff, and push for a strong bill.

Executive Order on Logging: The Justice draft is now being re-evaluated in light of agency comments. A decision memo will be in to you no later than November 12.

Revision of Security Classification System: We will have a report in to you on the major issues by early December.

CONSUMER MATTERS

*Strengthen  
it - Give  
me list of  
Congress  
to contact  
personally*  
Office of Consumer Protection: Esther Peterson's staff is taking the lead in preparing an option memo on strategy to advance or reformulate our position, following the decision not to seek floor action in the House this session.

Standing and Class Action Legislation: We are working with Esther Peterson's staff and Justice to prepare legislation in time for the second session of the 95th Congress.

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## REGULATORY REFORM MATTERS

*don't slip*

Motor Carrier Deregulation with OMB: We are coordinating a round of consultations with trade, labor, and public interest groups, to be followed by discussions with members of Congress and staff persons. At the conclusion of these sessions, an option memorandum with a mix of legislative and administrative strategies will be submitted to you. The target date is January 1.

OSHA Reform Task Force: The Executive Director is on board and is hiring staff. A work plan will be produced by November 10 and we will summarize it for you.

Executive Order on Regulatory Process Reforms: Agency comments are largely in. The order will be reformulated next week and published in the Federal Register for public comments. We hope to have the final order to you by December 15.

Review of Administration Achievements: With OMB, we have initiated a survey of agency regulatory reform achievements. A report will be to you by December 1.

## NATURAL RESOURCES

Water Pollution Amendments: House-Senate conference met once this week and has three meetings scheduled next week. The most controversial issues still remain to be taken up. We are still working on the 200-mile pollution zone issue.

Oceans Study: The Commerce Department says their first draft of the background study will be available in late November. A final draft is expected in mid-January. Preparation of the Issue Definition Memorandum will begin in December.

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Bowhead Whales: The Vice President met with the natives on November 1. Prospects appear good for cooperation between the Eskimos and the government.

160-Acre Limitation: We are developing a strategy with Interior. A memo for you is in preparation.

#### TRANSPORTATION

55 Mile-Per-Hour Speed Limit: We are working with the Traffic Safety Administration and Rex Granum to prepare a script for your use.

#### ECONOMICS AND BUSINESS

Tax Reform: We will be working with Treasury to develop option packages for consideration.

#### HOUSING AND URBAN DEVELOPMENT

Condominium Consumer Protection Act: OMB requested and received an extension of the deadline for comments on this HUD-proposed bill. An extension seemed warranted, though this will delay submission of a decision memorandum to you.

*Use existing  
funding as  
much as  
possible*

Urban Policy: We continue to meet intensively on urban policy. We are developing an outreach program to elicit broad-based comment on various options as well as build a political constituency.

SEC: We have received a draft of Senator Williams' legislation creating uniform standards on municipal bond disclosure. We are awaiting a revision of Treasury's views and will then submit an analysis and recommendations.

Phase-out of FY '78 Economic Stimulus Package: We are working with Treasury to prepare an analysis of the fiscal problems of the cities, and of the impact of the economic stimulus package. It will be in to you as soon as we receive the necessary data from Treasury.

#### TRADE

Trade Adjustment Assistance: Our analysis will be in to you today.

EMPLOYMENT

Humphrey-Hawkins: Charlie and I have begun to implement your decision.

Black Youth Unemployment: The final analysis is complete. We will send it, along with options, to you late next week.

HEALTH

*Include small, turn  
in '79  
budget*

President's Committee on Mental Retardation: We are analyzing the report, along with OMB and HEW. You will have a memo by late December.

Rural Health Clinics Bill: Legislation providing Medicare and Medicaid reimbursement to physician extenders in rural clinics has been agreed to by the conference. It now appears, however, that the legislation will not pass until late November.

National Health Insurance: We will have the briefing materials to you on Monday for the meeting on Wednesday.

AGRICULTURE

Sugar: Decision memo outlining options for implementation of the de la Garza program is being prepared.

Feed Grain Set-Aside: Decision memo on this will probably come to you late next week. The recently announced Soviet grain shortfall makes this a close decision.

1978 Meat Import Program: Decision memo will come to you early next week; continuation of voluntary export restraint program will be recommended.

World Hunger Study: We continue to work with Peter Bourne. A decision memo should reach you about November 11.

HUMAN RESOURCES

Social Security: The Administration helped pass the Nelson plan on Friday with some earnings ceiling still remaining. Despite the Danforth amendment on state and local governments, we have a good bill for a Conference.

Welfare Reform: The special welfare subcommittee has been holding hearings this week. The testimony has been generally supportive of the objectives of the bill, although most witnesses have sought changes. The Governors were very helpful. The agreement with Senator Moynihan reached by Secretary Califano may increase the support for the bill by state and local governments. It will certainly increase our budget costs. We are preparing talking points for your meeting with Chairman Corman next week.

*Don't worry about the Post*

GI Bill: The House and Senate have reached a compromise on the provisions of the GI bill legislation. A great deal of controversy has surrounded some provisions for assisting veterans attending schools which have higher than average tuition costs. We have received a great deal of bad press in the Post due to VA opposition to the Senate tuition differential. The VA has indicated to the Speaker that it can support the compromise although this is not likely to satisfy the proponents of the original Senate provision.

White House Conference on the Family: HEW is beginning to plan for the conference to be held in 1979. Secretary Califano would like to have Lady Bird Johnson as chairman but she is reluctant due to time constraints. Announcement of the conference will be delayed until a chairman is designated.

#### ENERGY

*That's too late.*

Options Memo on Oil Imports: Your request to expedite this analysis has been transmitted to the Department of Energy. They will have a memo to you the first week in December.

NEA: Working daily on legislative strategy with Secretary Schlesinger, Frank Moore, Hamilton and the Vice President.

DeConcini Letter on Copper Stockpile: We have completed writing a memorandum to you from Charlie and myself and have written a draft letter for you to send to DeConcini.

Energy Impacts: We are working with the Department of Energy, OMB and Jack Watson's staff on an interagency review of federal programs to assist communities facing demands that result from energy development.

Clinch River: ERDA authorization enrolled bill memorandum to you today, outlining its relationship to the supplemental appropriation.

#### JUSTICE

Morris Dees Memo on Death Penalty: We have drafted the response to the Dees letter and are awaiting sign-off from the Department of Justice.

### MISCELLANEOUS

Congressional Veto Message: We continue to work with Bob Lipshutz and Justice on a message to be submitted just before congressional adjournment.

1980 Census: A joint OMB/DPS memo on planning for the 1980 Census will be in to you November 7.

### CIVIL SERVICE MATTERS

Hatch Act Reform: The interagency task force continues to meet with the Senate staff to discuss amendments. A definition of employees in sensitive positions will be presented to the staff next week. We are also working with Frank on overall legislative strategy and to find a Senate floor manager.

Civil Service Reform Initiative: The OMB/CSC project will be proposing to you in a decision memo within two weeks the most sweeping Civil Service reform proposals of this century. These proposals will not just affect the personnel system, but will have a fundamental impact on how all government programs are administered and perceived. They also will carry out a central campaign commitment. Among the issues covered will be: incentives to make Federal workers more efficient and productive; greater management flexibility; eliminating red tape in hiring/firing procedures; structural reorganization; revised pay scales; veterans preference changes; and affirmative action. The proposals will stir some controversy, but their thrust seems basically sound and they have strong support from other agencies.

The first draft decision memo has been circulated to Cabinet members by Chairman Campbell and OMN for comment and it is possible that articles will appear in the press. We continue to follow the project closely.

Federal Employees' Travel: We are working along with OMB on a plan to implement your desire to limit federal employees to coach accommodations. We will have a memo to you today.

THE WHITE HOUSE  
WASHINGTON

November 7, 1977

Hugh Carter

The attached was returned in the President's outbox today and is forwarded to you for your information. The signed original has been given to Bob Linder for appropriate handling.

Rick Hutcheson

cc: Bob Linder

RE: PRESIDENTIAL MAIL REFERRED TO  
AGENCIES

THE WHITE HOUSE  
WASHINGTON

Mr. President--

If you will sign the first two, thereby indicating your approval, I'll sign the rest.

(Language on Energy differs from rest in last line.)

--Susan

THE WHITE HOUSE  
WASHINGTON  
November 4, 1977

MEMORANDUM FOR THE PRESIDENT

FROM:

HUGH CARTER *HC*

SUBJECT:

Presidential Mail Referred to Agencies  
Per Your Request

Attached are the memos to the Heads of 12 Agencies advising them of the results of our checks on their response rates to Presidential mail. You approved sending these memos in our October 19th memo that is attached ~~to the inside of this folder~~.  
at Tab A.

Mr. President:

ELEVEN SIGNATURES REQUESTED.

Rick (wds)

THE WHITE HOUSE

WASHINGTON

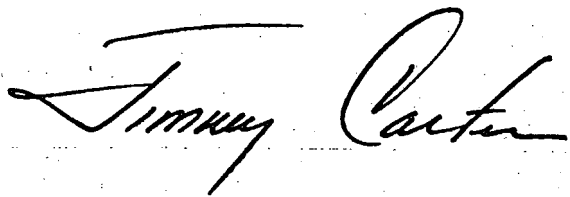
MEMORANDUM FOR

THE SECRETARY OF ENERGY

On January 26, 1977, I sent a memorandum to the heads of all Executive Departments and Agencies, requesting that correspondence referred from the White House receive top priority handling, and that a response be in the mail within nine business days.

Follow-up telephone conversations with approximately 145 writers whose letters had been referred to the FEA and ERDA over the last 3 months indicated that only 18% had received any reply 15 business days after the letter was referred. After 25 business days, the total response rate was still only 37%.

Although I know you are just getting started, I ask that you see that it is corrected immediately.

A handwritten signature in dark ink, reading "Jimmy Carter". The signature is written in a cursive style with a large, sweeping "C" for "Carter".

THE WHITE HOUSE  
WASHINGTON

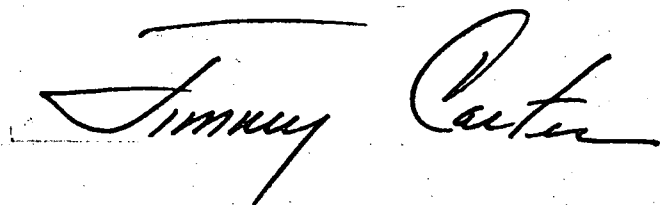
MEMORANDUM FOR

THE SECRETARY OF THE TREASURY

On January 26, 1977, I sent a memorandum to the heads of all Executive Departments and Agencies, requesting that correspondence referred from the White House receive top priority handling, and that a response be in the mail within nine business days.

Follow-up telephone conversations with approximately 241 writers whose letters had been referred to the Department of the Treasury over the last 3 months indicated that only 20% had received any reply 15 business days after the letter was referred. After 25 business days, the total response rate was still only 28%.

This performance is very disappointing to me. I ask that you see that it is corrected immediately.

Jimmy Carter

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE  
WASHINGTON

October 19, 1977

*Hugh  
JC*

MEMORANDUM FOR THE PRESIDENT

FROM: HUGH CARTER *[Signature]*  
SUBJECT: Presidential Mail Referred to Agencies

In view of your directive to the Heads of All Departments and Agencies that Presidential mail be answered within 9 days, we would like to apprise you of the agencies performance to date.

Over the last three months, we have made calls to 2,739 persons whose letters had been sent to agencies for response. Fifteen working days after the letters were referred from the White House, only 28% had received replies; 10 additional days later, the response rate was still only 32%. A list of agencies and their performance is attached.

Although we have been working closely with all the major agencies, most of which have been extremely cooperative, the overall performance is obviously not satisfactory. The agencies have been apprised of the test results over the last two months.

Could you please indicate what step(s) you would like us to take beyond our continuing efforts:

- Draft memo for my signature to Heads of all agencies reporting overall situation. ☐
- Draft individual memos for my signature to Heads of specific agencies with poor performance advising them of their agency's performance. ☒
- Report comparative follow-up statistics to me monthly. ☐

*[Handwritten signature]*

AGENCY	CALLS COMPLETED	RESPONSE AFTER 3 WEEKS	RESPONSE AFTER 5 WEEKS (A)
Military Assistant to the President	75	30 (40%)	34 (45%)
Federal Energy Administration	65	12 (18%)	24 (37%)
Department of State	203	56 (28%)	64 (32%)
Department of Labor	216	18 ( 8%)	22 (10%)
Department of Justice	158	47 (30%)	52 (33%)
Department of Interior	38	10 (26%)	10 (26%)
Department of Health, Education and Welfare	817	187 (23%)	227 (28%)
Department of Commerce	90	15 (17%)	19 (21%)
Department of Agriculture	119	78 (66%)	83 (70%)
Other	<u>958</u>	<u>306 (32%)</u>	<u>343 (36%)</u>
Total	2,739	759 (28%)	878 (32%)

(A) Data from 588 calls on mail referred to agencies from 8/1/77 through 8/13/77.

THE WHITE HOUSE  
WASHINGTON

November 7, 1977

Frank Moore

The attached letter was returned  
in the President's outbox today  
and is given to you for delivery  
to Cong. Dingell.

Rick Hutcheson

cc: Bob Lipshutz

RE: ERDA MATTER

THE WHITE HOUSE  
WASHINGTON

	FOR STAFFING
	FOR INFORMATION
/	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

ACTION  
FYI

	MONDALE
	COSTANZA
	EIZENSTAT
	JORDAN
/	LIPSHUTZ
	MOORE <i>delivered</i>
	POWELL
	WATSON
	McINTYRE
	SCHULTZE

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER

Comments due to  
Carp/Huron within  
48 hours; due to  
Staff Secretary  
next day

	ARAGON
	BOURNE
	BRZEZINSKI
	BUTLER
	CARP
	H. CARTER
	CLOUGH
	FALLOWS
	FIRST LADY
	HARDEN
	HUTCHESON
	JAGODA
	GAMMILL

	KRAFT
	LINDER
	MITCHELL
	MOE
	PETERSON
	PETTIGREW
	POSTON
	PRESS
	SCHLESINGER
	SCHNEIDERS
	STRAUSS
	VOORDE
	WARREN

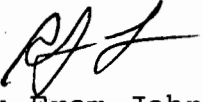
~~THE~~ PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

November 7, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: Bob Lipshutz   
SUBJECT: Letter to You From John D. Dingell Relating  
to ERDA Matter

Dr. Schlesinger and our Congressional Liaison people have been handling this matter and now have made an agreement with Congressman Dingell to give him an oral, rather than written, response to his inquiry and request, due to the sensitive nature of the information given to him.

Therefore, I suggest that your letter to Congressman Dingell simply be in the brief form attached.

THE WHITE HOUSE

WASHINGTON

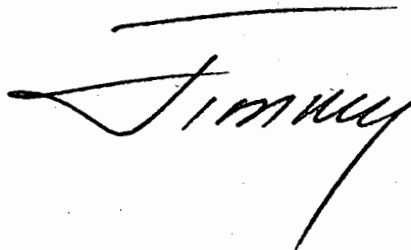
November 7, 1977

To Congressman John Dingell

With reference to your letter of September 26 concerning the ERDA matter, I am advised that the Secretary of Energy has furnished you with the information requested.

Please call upon me whenever I can be of assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jimmy", with a horizontal line above it.

The Honorable John D. Dingell  
U.S. House of Representatives  
Washington, D.C. 20515

THE WHITE HOUSE  
WASHINGTON

Mr. President

I am delighted!

R. G.

C

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*It's not bad at all. J.C.*

35

# Mr. Helms and the Law

By Anthony Lewis

BOSTON, Nov. 2.—The bargain between the Justice Department and Richard Helms aroused understandable uneasiness when it was disclosed. Here again, it seemed a lawbreaker of rank was getting away with a tap on the wrist: A plea of no contest to a misdemeanor, with a suspended sentence recommended and his pension assured, all in a quick proceeding with no notice to public or press.

After the Nixon pardon and other recent events, it was not surprising that people should view the deal cynically. Some remembered Jimmy Carter's statement to the 1976 Democratic Convention: "I see no reason why big-shot crooks should go free while the poor ones go to jail."

But the Helms case is not so simple. If one looks at the difficulties, the Justice Department's reasons for settling are evident. On balance, my conclusion is that the plea-bargain should serve the public interest as well as Mr. Helms's—if it is properly understood.

All along, there has been one fundamental reason to call Mr. Helms to account for testifying falsely under oath in 1973 to the Senate Foreign Relations Committee. That was to deter others—to demonstrate that official lawlessness is not tolerable, in the intelligence agencies any more than in the White House.

For law enforcement officials, deterrence is a practical question. It would hardly be an effective deterrent if Mr. Helms were indicted for perjury and then, at trial, he were acquitted or the charges dismissed. And the obstacles to conviction were formidable:

- Mr. Helms, as Director of Central Intelligence, had sworn to protect intelligence secrets. Legally, that oath could not excuse perjury. But it might well have persuaded a jury that he did not really intend to commit a crime.

- One or more Senators on the committee may have known Mr. Helms was not speaking truthfully when he denied that the C.I.A. had aided opponents of Salvador Allende in Chile—and may have wanted him to hide the truth. The jury, apprised of this fact, could well have thought it unfair to put the blame on Mr. Helms.

- Mr. Helms's lawyer would certainly have demanded masses of classified documents to prepare the case. The need for secrecy in Government is grossly exaggerated. But Government lawyers might have been faced with a court order to produce something whose disclosure would arouse legitimate concern—and they might then have had to dismiss the case.

Awareness of such risks in a perjury

prosecution must have put Justice Department lawyers at a great disadvantage in the negotiations for a plea bargain. Griffin Bell, the Attorney General, was just puffing when he told reporters afterward: "We were dealing from strength."

In the circumstances, the bargain was a fair one. By his plea Mr. Helms renounced any claim of exemption from the law: an honorable course, and an important one. The principle of accountability was sustained.

The case has to be seen as one more stage in the process that has been taking place in this country—the establishment of a rule of law for high officials. Stern punishment in the first case is less important than a settled belief that the rule will be applied in future. Attorney General Bell, observing that no high intelligence official had previously been held to account at law, rightly said: "It sets the intelligence community out on a new course."

Or at least Mr. Bell was right if the country understands the resolution of the Helms case that way. There is a danger that people will get the message wrong. Some loose comment on the plea bargain, for example, has seen it as a balance between the interests of secrecy and law—as if some future Richard Helms could be justified in violating the law for reasons of state.

But if Mr. Helms in 1973 was torn between law and secrecy, the whole point of his plea the other day was that the dilemma did not justify his conduct. If the answers sought on Chile would have violated a genuine security interest, he should have declined to testify on that ground. Still less was there an excuse for deceptive testimony about the C.I.A.'s knowledge of Watergate or its role in domestic spying.

Benjamin R. Civiletti, who as head of the Justice Department's Criminal Division negotiated the plea, was asked today about the balance of law and secrecy. He replied: "The duty to the law, the rule of law, stands above all other duties. Oaths of secrecy cannot be legal justifications for illegal conduct."

If the Helms case is to have the meaning that Mr. Bell and Mr. Civiletti intend, the Justice Department has a continuing responsibility. It must carry on the establishing of a rule of law for all Government officials, not least in the area of intelligence and police. It must be more sensitive to the dangers of secrecy—as in the Helms plea itself, whatever the legal excuse for that unobserved proceeding. In fact, the current department's record on issues of secrecy is a disappointing one, but that is another story.

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